

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Office of Consumer Credit Commissioner

Title 7, Part 5

On behalf of the Finance Commission of Texas (commission), the Office of Consumer Credit Commissioner files this notice of intention to review and consider for readoption, revision, or repeal, Texas Administrative Code, Title 7, Part 5, Chapter 88, concerning Consumer Debt Management Services.

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission will accept written comments received on or before the 30th day after the date this notice is published in the *Texas Register* as to whether the reasons for adopting these rules continue to exist.

The Office of Consumer Credit Commissioner, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Matthew Nance, General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, or by email to rule.comments@occc.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional public comment period prior to final adoption or repeal by the commission.

TRD-202503398

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Filed: September 23, 2025



Texas Council for Developmental Disabilities

Title 40, Part 21

In accordance with Texas Government Code §2001.039, the Texas Council for Developmental Disabilities (TCDD) submits notice of its intention to review its rules. These rules appear under Texas Administrative Code Title 40, Part 21. TCDD will consider, among other things, whether the reasons for readoption of these rules continue to exist and following the assessment will readopt, readopt with amendments, or repeal the rules. Comments will be accepted from any interested persons or groups.

Chapter 876. General Provisions

Chapter 877. Grant Awards

All comments and/or questions should be directed to Koren Vogel, Council Business Director, Texas Council for Developmental Disabilities, 6201 E. Oltorf, Suite 600, Austin, Texas 78741; or email koren.vogel@tcdd.texas.gov. Comments must be received in the office no later than Tuesday, November 4, 2025, at 5:00 p.m.

TRD-202503399

Beth Stalvey

Executive Director

Texas Council for Developmental Disabilities

Filed: September 23, 2025



Adopted Rule Reviews

Texas Alcoholic Beverage Commission

Title 16, Part 3

The Texas Alcoholic Beverage Commission (TABC) has completed its review of its rules in Texas Administrative Code, Title 16, Chapter 41 (16 TAC §§41.1 - 41.65), relating to Auditing. This review was done pursuant to Texas Government Code §2001.039, which directs state agencies to review and consider for readoption each of their rules. The proposed rule review was published in the July 4, 2025, issue of the *Texas Register* (50 TexReg 3921).

SUMMARY OF COMMENTS. TABC did not receive any comments on this rule review.

READOPTATION OF RULES. After review, TABC finds that the reasons for adopting 16 TAC §§41.1 - 41.65 continue to exist. Therefore, TABC readopts the rules.

TRD-202503406

Matthew Cherry

Senior Counsel

Texas Alcoholic Beverage Commission

Filed: September 23, 2025



The Texas Alcoholic Beverage Commission (TABC) has completed its review of its rules in Texas Administrative Code, Title 16, Chapter 45, Subchapter F (16 TAC §§45.101 - 45.127), relating to Advertising and Promotion, and Subchapter G (16 TAC §§45.130 and 45.131), relating to Regulation of Cash and Credit Transactions. This review was done pursuant to Texas Government Code §2001.039, which directs state agencies to review and consider for readoption each of their rules. The proposed rule review was published in the July 4, 2025, issue of the *Texas Register* (50 TexReg 3921).

SUMMARY OF COMMENTS. TABC received comments from the Wine Institute suggesting amendments to 16 TAC §§45.105 and 45.117. TABC also received comments from Griffith & Hughes, PLLC suggesting amendments to §§45.130 and 45.131.

1. Comment on §45.105

COMMENT: The commenter suggests changes to §45.105(d) to allow wineries "to use social media and other digital platforms to post about events held at Texas licensed retailers," and "to explicitly address a winery's reasonable use of third-party services for advertising online, including at online points of purchase, both generally and on retail licensee websites."

AGENCY RESPONSE: TABC appreciates the comment but declines to act at this time. Alcoholic Beverage Code §102.07(g) already allows wineries to "preannounce" authorized promotional activities conducted at a retailer's premises. Such preannouncements may be made via the internet, including through the winery's social media or other digital platforms. Additionally, amending the rule to allow wineries to advertise or promote general events taking place at a retailer's premises, that are not part of an authorized promotional activity the winery is conducting on the premises, would likely run afoul of Alcoholic Beverage Code §102.07(a). And these statutory prohibitions cannot be mitigated by using a third-party service acting on behalf of or at the direction of a winery. However, TABC will consider adding rules clarifying the permissible forms of digital advertising (*i.e.* product or brand signage) wineries may provide to retailers, similar to the authorization in §45.117(d) for interior signs, in a future rulemaking proposal.

2. Comment on §45.117

COMMENT: The commenter suggests amending §45.117(b)(1) to increase the maximum cost of consumer novelty gifts from the current amount of \$1.00 to account for inflation since the amount was first established.

AGENCY RESPONSE: TABC recognizes that the \$1.00 limit has remained stagnant since its inception. However, the amount is set by statute in Alcoholic Beverage Code §102.07(d) and may not be changed through an agency rule.

3. Comment on §45.130(d)(1) and (d)(4)

COMMENT: The commenter states that the two referenced rule paragraphs do not appear to track the statutory text in Alcoholic Beverage Code §102.32(c), which creates confusion. The commenter suggests that the rule be amended to clarify that the reference to "four days" refers to business days.

AGENCY RESPONSE: TABC does not believe the rule conflicts with Alcoholic Beverage Code §102.32(c), nor does it believe the rule causes confusion. The rule directly cites the payment deadline in Alcoholic Beverage Code §102.32(c), which specifically states that the four-day period is calculated using business days. Nevertheless, TABC will consider clarifying the rule in a future rulemaking.

4. Comment on §45.130(d)(5)

COMMENT: The commentor asserts that the rule is problematic because it gives the appearance that credit law delinquencies under the Alcoholic Beverage Code are enforceable against certain persons in a manner contrary to other law, specifically provisions in the Business and Commerce Code and federal bankruptcy law. The commenter also believes enforcement of the rule leads to absurd results.

AGENCY RESPONSE: TABC disagrees that the rule's provision is contrary to other law. The rule implements Alcoholic Beverage Code §102.32(d-1), which states that "a person whose permit is canceled by the commission or whose permit has expired is not eligible to hold

any other permit or license under this code until the person has cured any delinquency of the person." The Business and Commerce Code and federal bankruptcy provisions raised by the commentor generally relate to liability for debt payments (*i.e.* who may legally be required to pay off the debt). The rule does not dictate who is liable to pay the delinquent amount. Rather, it prohibits issuance of additional licenses or permits to a person who is connected to a retailer with an unpaid delinquency. In other words, the rule contains a restriction on license or permit issuance due to a violation of the Alcoholic Beverage Code that has not been cured. Thus, the rule does not conflict with the statutory provisions cited by the commenter.

The commenter also claims that by clarifying that the licensing prohibition in §102.32(d-1) applies to the owners, officers, directors, and shareholders of a delinquent retailer, the rule could exclude new entrants to the market for having "some connection" to a delinquent retailer. The commenter believes this would be an absurd outcome. TABC disagrees. The rule simply implements §102.32(d-1) by applying the statutory licensing prohibition to those individuals responsible for the retailer's conduct. To do otherwise would undercut the very law passed by the legislature. And if TABC were presented with a unique circumstance where applying the statutory licensing prohibition would truly lead to an absurd result, the agency could consider invoking its enforcement discretion. As such, TABC does not believe any change to the rule is warranted.

5. Comment on §45.130(e)(1)

COMMENT: The commenter states that the rule should be revised to ensure that claims of a retailer's delinquency are substantiated by the agency before the retailer is placed on the delinquent list to avoid erroneous claims.

AGENCY RESPONSE: TABC declines to make the suggested changes. Alcoholic Beverage Code §102.32 establishes when a retailer becomes delinquent, requires delinquencies to be reported "immediately" after their occurrence, and prohibits wholesalers from selling liquor to a delinquent retailer. Timely reporting of delinquencies by wholesale dealers to the agency and, in turn, by the agency to all other wholesale dealers is key to the proper implementation of the statutory prohibition on selling liquor to delinquent retailers. The commenter's suggested changes would result in the delayed implementation of the statute, all while diverting agency resources from potentially more pressing matters. Additionally, the delinquent list has been operated in a similar manner for several decades and the industry is familiar with its operation. The agency is not aware of any major issues with the list's operation (the commenter provides no such details), and to fundamentally change its operation as the commenter suggests would needlessly disrupt the industry. Lastly, §45.130(h) already provides retailers with a method to dispute inclusion on the delinquent list. And if a wholesale dealer reports a retailer in bad faith, the commission may take appropriate action against the wholesaler. For these reasons, TABC does not believe any change to the rule is warranted.

6. Comment on §§45.130(d), (f), (g), (h), and (i) and 45.131(f)

COMMENT: The commenter states that §§45.103 and 45.131 do not take into account the automatic stay and discharge provisions of federal bankruptcy law.

AGENCY RESPONSE: The agency agrees that the automatic stay provisions may impact the delinquent list in certain circumstances. However, no amendments to the rules are necessary since, as identified by the commenter, the delinquent list already contains an explicit disclaimer relating to retailers who have notified the agency of their bankruptcy status. This prevents assessing a violation against the retailer and allows wholesale dealers to continue to sell to the retailer—in line with the automatic stay and discharge provisions in federal law.

READOPTION OF RULES. After review, TABC finds that the reasons for adopting 16 TAC §§45.101 - 45.127 and 16 TAC §§45.130 - 45.131 continue to exist. Therefore, TABC readopts the rules.

TRD-202503407

Matthew Cherry

Senior Counsel

Texas Alcoholic Beverage Commission

Filed: September 23, 2025



Texas Board of Professional Geoscientists

Title 22, Part 39

In accordance with Government Code §2001.039, the Texas Board of Professional Geoscientists adopts its review for 22 TAC Chapters 850 and 851, as follows:

Chapter 850

Subchapter A (Authority and Definitions)

Subchapter B (Organization and Responsibilities)

Subchapter C (Fees)

Subchapter D (Advisory Opinions)

Chapter 851

Subchapter A (Definitions)

Subchapter B (P.G. Licensing, Firm Registration, and GIT Certification)

Subchapter C (Code of Professional Conduct)

Subchapter D (Compliance and Enforcement)

Subchapter E (Hearings--Contested Cases and Judicial Review)

The notice of proposed review was published in the May 30, 2025, of the *Texas Register* (50 TexReg 3257). TBPG received no comments regarding the review.

The Texas Board of Professional Geoscientists (TBPG) has determined that the reasons for initially adopting these chapters continue to exist. TBPG readopts these rules in their entirety, with the exception of 22 TAC §851.154 and subject to any proposed amendments, repeals, and new rules which will be proposed separately in a future edition of the *Texas Register*.

These rules are adopted pursuant to the authority of Occupations Code, section 1002.151, which authorizes the board to adopt and enforce rules consistent with the Texas Geoscience Practice Act (Act), and necessary for the performance of its duties.

This concludes the TBPG's review of Chapters 850 and 851.

The rules, as adopted, have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

TRD-202503392

Katie L. Colby

Licensing Specialist

Texas Board of Professional Geoscientists

Filed: September 22, 2025



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), in its own capacity and on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 99, Occupational Diseases

Notice of the review of this chapter was published in the August 8, 2025, issue of the *Texas Register* (50 TexReg 5235). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 99 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 99. Any amendments, if applicable, to Chapter 99 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 99 as required by Texas Government Code §2001.039.

TRD-202503388

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: September 22, 2025



Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 967, Client Care of Individuals Receiving Services at State Supported Living Centers

Notice of the review of this chapter was published in the August 8, 2025, issue of the *Texas Register* (50 TexReg 5235). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 967 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 967. Any amendments, if applicable, to Chapter 967 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 967 as required by Texas Government Code §2001.039.

TRD-202503386

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: September 22, 2025



The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 985, Human Immunodeficiency Virus Prevention And Treatment In State Supported Living Centers

Notice of the review of this chapter was published in the August 8, 2025, issue of the *Texas Register* (50 TexReg 5235). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 985 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 985. Any amendments, if applicable, to Chapter 985 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 985 as required by Texas Government Code §2001.039.

TRD-202503387
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: September 22, 2025



Texas Department of Motor Vehicles

Title 43, Part 10

The Texas Department of Motor Vehicles (department) files this notice of readoption of Title 43 Texas Administrative Code (TAC), Chapter

206, Management; Chapter 211, Criminal History Offense and Action on License; and Chapter 217, Vehicle Titles and Registration, Subchapter B, Motor Vehicle Registration, §217.27, relating to Vehicle Registration Insignia, that were published in the *Texas Register*. The reviews were conducted pursuant to Government Code, §2001.039.

Notice of the department's intention to review was published in the July 25, 2025, issue of the *Texas Register* (50 TexReg 4977). The department did not receive any comments on the rule reviews.

As a result of the reviews, the department readopts Chapters 206 and 211, and §217.27 in accordance with the requirements of Government Code, §2001.039, with amendments, new sections, and repeals to Chapter 211, and amendments to §217.27. The department readopts Chapter 206 without amendment. The department has determined that the reasons for initially adopting the readopted rules continue to exist.

This concludes the review of Chapter 206, Management; Chapter 211, Criminal History Offense and Action on License; and Chapter 217, Vehicle Titles and Registration, Subchapter B, Motor Vehicle Registration, §217.27, relating to Vehicle Registration Insignia.

TRD-202503354
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Filed: September 19, 2025

