

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 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 127. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR CAREER DEVELOPMENT AND CAREER AND TECHNICAL EDUCATION

SUBCHAPTER C. AGRICULTURE, FOOD, AND NATURAL RESOURCES

19 TAC §§127.49, 127.51, 127.52

The State Board of Education (SBOE) adopts amendments to §§127.49, 127.51, and 127.52, concerning Texas Essential Knowledge and Skills (TEKS) for career development and career and technical education (CTE) in agriculture, food, and natural resources. The amendments are adopted without changes to the proposed text as published in the August 1, 2025 issue of the *Texas Register* (50 TexReg 5031). The rules will not be republished. The amendments make a technical adjustment to the prerequisites for §127.49 to align with the CTE programs of study; update cross references; and update language relating to employability skills to reference new 19 TAC §127.15.

REASONED JUSTIFICATION: The federal *Strengthening Career and Technical Education for the 21st Century Act*, commonly referred to as Perkins V, requires states that receive federal CTE funds to align CTE programs of study to high-wage, in-demand, and high-skill occupations. In fall 2023, the Texas Education Agency engaged members of the workforce, secondary education, and higher education to advise on the development and refresh of programs of study, which include coherent course sequences, industry-based certifications, and work-based learning opportunities to ensure students are prepared for high-wage, in-demand, and high-skill careers in Texas.

The amendments update language related to prerequisites and references to a course title to ensure alignment with refreshed programs of study. In addition, employability skills have been removed from the rules, and a reference to the universal employability skills in new §127.15 has been added.

The SBOE approved the amendments for first reading and filing authorization at its June 27, 2025 meeting and for second reading and final adoption at its September 12, 2025 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the amendments for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2026-2027 school year. The earlier effective date will allow for technical adjustments to be made to course prerequisites for implementation in the 2025-2026 school year. The

effective date is 20 days after filing as adopted with the *Texas Register*.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began August 1, 2025, and ended at 5:00 p.m. on September 2, 2025. The SBOE also provided an opportunity for registered oral and written comments at its September 2025 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. Twelve teachers expressed support for the amendment to the prerequisite for §127.49, Livestock and Poultry Production (One Credit), Adopted 2024.

Response. The SBOE agrees and took action to adopt the proposed amendment to §127.49 to make a technical adjustment to the prerequisite to align with the CTE programs of study.

Comment. A community member stated that the current prerequisite for Livestock and Poultry Production creates problems with the sequence of courses for almost all schools that use this popular course as part of an animal science program of study. The commenter expressed support for the proposed amendment.

Response. The SBOE agrees and took action to adopt the proposed amendment to §127.49 to make a technical adjustment to the prerequisite to align with the CTE programs of study.

Comment. An administrator requested the removal of the current prerequisite for the Livestock and Poultry Production course, which reads "a minimum of two credits with at least one course in a Level two or higher course from the Agriculture, Food, and Natural Resources Career Cluster." The commenter stated that this prerequisite makes it challenging to schedule and ensure that students are following the sequence of courses necessary to achieve completer status for a program of study.

Response. The SBOE agrees and took action to adopt the proposed amendment to §127.49 to make a technical adjustment to the prerequisite to align with the CTE programs of study.

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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 October 13, 2025.

TRD-202503693

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: November 2, 2025

Proposal publication date: August 1, 2025

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



TITLE 22. EXAMINING BOARDS

PART 16. TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS

CHAPTER 322. PRACTICE

22 TAC §322.1

The Texas Board of Physical Therapy Examiners adopts the amendment to 22 TAC §322.1(a)(2)(D)-(G) relating to exceptions to referral requirement to implement changes to Texas Occupations Code §453.301(a)(3)(B) and (b) pursuant Tex. H.B. 4099, 89th R.S. (2025). Specifically, the amendment changes the number of days a physical therapist (PT) who possesses a doctoral degree in physical therapy or has completed at least 30 CCUs in the area of differential diagnosis may treat a patient without a referral from "for not more than 10 consecutive business days" to "for not more than 30 consecutive calendar days."

Additionally, the requirement for a PT to possess a doctoral degree and either has completed a physical therapy residency or fellowship or is certified by an entity approved by the board to treat a patient without a referral for not more than 15 consecutive business days has been eliminated.

The amendment is adopted without changes to the proposed text as published in the August 22, 2025 issue of the *Texas Register* (50 TexReg 5416). The rule will not be republished.

There was no public comment.

The amendment is adopted under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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 October 10, 2025.

TRD-202503667

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

Effective date: November 1, 2025

Proposal publication date: August 22, 2025

For further information, please call: (512) 305-6900



22 TAC §322.5

The Texas Board of Physical Therapy Examiners adopts the amendment to 22 TAC §322.5(e) relating to standardize formats for and retention of records related to a patient's consent to treatment, data collection, and data sharing when providing physical therapy services via telehealth.

The amendment is adopted without changes to the proposed text as published in the August 22, 2025 issue of the *Texas Register* (50 TexReg 5417). The rule will not be republished.

The adopted amendment is necessary to implement changes to Texas Occupations Code §111.004 pursuant to Tex. H.B. 1700, 89th R.S. (2025) which requires each agency with regulatory authority over a health professional providing telehealth service to adopt rules necessary to standardize formats for and retention of records related to a patient's consent to treatment, data collection, and data sharing.

There was no public comment.

The amendment is adopted under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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 October 10, 2025.

TRD-202503668

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

Effective date: November 1, 2025

Proposal publication date: August 22, 2025

For further information, please call: (512) 305-6900



CHAPTER 329. LICENSING PROCEDURE

22 TAC §329.1, §329.7

The Texas Board of Physical Therapy Examiners adopts the amendment to 22 TAC §329.1(a)(2) relating to the exemption of the non-refundable application fee for active U.S. military service members, military spouses, or military veterans. Additionally, the Board adopts the amendment 22 TAC §329.7(b)(5) and (c) relating to exemptions from licensure for active military service members and military spouses and relating to a license in good standing with another state's licensing authority.

The amendments are adopted without changes to the proposed text as published in the August 22, 2025 issue of the *Texas Register* (50 TexReg 5419). The rules will not be republished.

Specifically, the amendment to §329.1(a)(2) corrects an omission of military spouses from exemption of the non-refundable application fee, and the amendment to §329.7(b)(5) and (c) align with the changes to Texas Occupations Code §55.0041 effective September 1, 2025 and to the provisions in 50 USC 4025a: Portability of professional licenses of servicemembers and their spouses.

The following amendments are necessary to implement changes to Texas Occupations Code §55.004 and §55.0041 pursuant to Tex. H.B. 5629, 89th R.S. (2025) relating to the occupational licensing of military service members, military veterans, and military spouses.

There was no public comment.

The amendments are adopted under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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 October 10, 2025.

TRD-202503670

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

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Proposal publication date: August 22, 2025

For further information, please call: (512) 305-6900



CHAPTER 341. LICENSE RENEWAL

22 TAC §341.2

The Texas Board of Physical Therapy Examiners adopts the amendment to 22 TAC §341.2(h), Continuing Competence Requirements, relating to the development and maintenance of an online repository for storing and tracking of continuing competence activities as part of any Request for Approval (RFP) for the continuing competence approval program.

The amendment is adopted without changes to the proposed text as published in the August 22, 2025 issue of the *Texas Register* (50 TexReg 5420). The rule will not be republished.

The adopted amendment is in response to the provision in Tex. S.B. 912, 89th R.S. (2025) that allows a licensing entity that has an agreement in place with a continuing education tracking system provider that is able to implement the requirements of Subchapter C, Chapter 112, Occupations Code may maintain that agreement and any costs associated with implementation of the agreement.

The Board has a Memorandum of Understanding (MOU) with the Texas Physical Therapy Association (TPTA) as the result of an RFP in 2018 and 2022 to develop, administer, and main-

tain a continuing competence approval system including an online repository for storing and tracking of continuing competence completion documents by licensees of Texas.

There was no public comment.

The amendment is adopted under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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 October 10, 2024.

TRD-202503671

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

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For further information, please call: (512) 305-6900



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 3. TAX ADMINISTRATION SUBCHAPTER S. MOTOR FUEL TAX

34 TAC §3.434

The Comptroller of Public Accounts adopts the repeal of §3.434, concerning liquefied gas tax decal, without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5594). The rule will not be republished.

The comptroller repeals this section following the passage of House Bill 1905, 84th Legislature, 2015, effective September 1, 2015, which repealed the tax on liquefied gas.

The last taxable period for liquefied gas is now outside the four-year statute of limitations for assessments and refund claims. See Tax Code, §111.107(a) (When Refund or Credit Is Permitted) and §111.201 (Assessment Limitation).

The comptroller did not receive any comments regarding adoption of the amendment.

This repeal is adopted under Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

This adoption implements the repeal of Tax Code, §162.001, which defined liquefied gas as a motor fuel.

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 October 8, 2025.

TRD-202503641

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Effective date: October 28, 2025

Proposal publication date: August 29, 2025

For further information, please call: (512) 475-2220



34 TAC §3.436

The Comptroller of Public Accounts adopts the repeal of §3.436, concerning liquefied gas dealer licenses, without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5594). The rule will not be republished.

The comptroller repeals this section following the passage of House Bill 1905, 84th Legislature, 2015, effective September 1, 2015, which repealed the tax on liquefied gas.

The last taxable period for liquefied gas is now outside the four-year statute of limitations for assessments and refund claims. See Tax Code, §111.107(a) (When Refund or Credit Is Permitted) and §111.201 (Assessment Limitation).

The comptroller did not receive any comments regarding adoption of the repeal.

This repeal is adopted under Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

This adoption implements the repeal of Tax Code, §162.001, which defined liquefied gas as a motor fuel.

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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Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

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For further information, please call: (512) 475-2220



CHAPTER 16. COMPTROLLER GRANT PROGRAMS

SUBCHAPTER D. RURAL LAW ENFORCEMENT SALARY ASSISTANCE PROGRAM

34 TAC §§16.300, 16.302, 16.304

The Comptroller of Public Accounts adopts amendments to §16.300, concerning definitions, §16.302, concerning review by comptroller, and §16.304, concerning authorized uses of grant funds; limitations, without changes to the proposed text as

published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5633). The rules will not be republished.

The amendments to §16.300 modify the current definition of "grant" to clarify sources of funding in accordance with the General Appropriations Act of the 89th Legislature.

The amendments to §16.302 modify subsection (c) to clarify other law may allow for the comptroller to deny an application.

The amendments to §16.304 amend subsections (a), (b), (c), and (g) to remove duplicative statutory references. The amendments in subsection (g) also refer to the appropriate subsections within the rule. The amendments make non-substantive changes to subsections (i)(3), (i)(5) and (j)(3).

The comptroller did not receive any comments regarding adoption of the amendment.

These amendments are adopted under Local Government Code, §§130.911(h), 130.912(g) and 130.913(g), which require the comptroller to adopt rules to administer a grant program to provide financial assistance to qualified sheriff's offices, constable's offices, and prosecutor's offices in rural counties.

The amendments implement Local Government Code, §§130.911, 130.912 and 130.913 and the General Appropriations Act.

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 October 8, 2025.

TRD-202503622

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

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For further information, please call: (512) 475-2220



34 TAC §16.306

The Comptroller of Public Accounts adopts the repeal of §16.306, concerning provisions applicable to fiscal year 2024, without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5636). The rule will not be republished.

The comptroller repeals §16.306 since it is no longer needed.

The comptroller did not receive any comments regarding adoption of the repeal.

The repeal is adopted under Local Government Code, §§130.911(h), 130.912(g) and 130.913(g), which require the comptroller to adopt rules to administer a grant program to provide financial assistance to qualified sheriff's offices, constable's offices, and prosecutor's offices in rural counties.

The repeal implements Local Government Code, §§130.911, 130.912 and 130.913.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202503621

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

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For further information, please call: (512) 475-2220



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 4. COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES

SUBCHAPTER B. REGULATIONS GOVERNING TRANSPORTATION SAFETY

37 TAC §4.13

The Texas Department of Public Safety (the department) adopts amendments to §4.13, concerning Authority to Enforce, Training and Certificate Requirements. This rule is adopted without changes to the proposed text as published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5437). The rule will not be republished.

The amendments simplify the structure of the rule, add clarifying language for the training and certification of certain state and local enforcement officers, clarifies that commercial vehicle inspection sites are a valid location for an inspection, and makes other conforming changes to reflect the department's practices. The amendments also update §4.13 to align with the Commercial Vehicle Safety Alliance's Operational Policy 4, titled "Inspector Training and Certification," which is adopted by the department, recognized by the Federal Motor Carrier Safety Administration, and located at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2021-07/CVSA%20Operational%20Policy%2004%Revised%2004-29-2021.pdf>

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Transportation Code, §644.003, which authorizes the department to adopt rules to administer the chapter; §644.051, which authorizes the director to adopt rules regulating the safe transportation of hazardous materials and the safe operation of commercial motor vehicles; and authorizes the director to adopt all or part of the federal safety regulations by reference; and § 644.102, which authorizes the department to establish by rule uniform standards for municipal or county enforcement of the chapter.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 9, 2025.

TRD-202503650

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: October 29, 2025

Proposal publication date: August 22, 2025

For further information, please call: (512) 424-5848



CHAPTER 12. COMPASSIONATE-USE/LOW-THC CANNABIS PROGRAM

SUBCHAPTER B. APPLICATION AND RENEWAL

37 TAC §12.11

The Texas Department of Public Safety (the department) adopts amendments to §12.11, concerning Application for License. This rule is adopted without changes to the proposed text as published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5440) and will not be republished.

The proposed rule amendment implements House Bill 46, 89th Leg., R.S. (2025), by establishing a timeline for reviewing and taking action on a license application and making other conforming changes.

House Bill 46 expands the Texas Compassionate-Use Program by mandating that the department issue 15 dispensing organization licenses; currently, three exist. The bill sets out the timeline with respect to issuing the remaining dispensing organization licenses. Nine new dispensing organizations must be licensed by the department no later than December 1, 2025, from applications submitted before July 1, 2025. Three more dispensing organizations must be licensed by the department no later than April 1, 2026, from applications submitted at any time.

However, House Bill 46 also requires the director to adopt rules to establish a timeline for reviewing and taking action on dispensing organization licenses. Therefore, this rule is amended to establish the timeline applicable to issuing a license after all 15 dispensing organization licenses have been issued in accordance with the timeline established by House Bill 46. The timeline identified in the proposed rule will apply when any one or more of the 15 dispensing organization licenses issued under House Bill 46 is revoked or otherwise vacated and is available to be opened to new license applicants.

The department accepted comments on the proposals through September 22, 2025. The substantive comments received and the department's responses are summarized below.

COMMENT:

Written comments relating to §12.11, §12.23, and §12.35 were submitted by Raj Patel, on behalf of NXP Wellness, LLC in support of these rule proposals.

RESPONSE:

No changes were made to the proposals based on this comment.

COMMENT:

Written comments relating to §12.11, §12.23, and §12.35 were submitted by Jean Robinson, on behalf of Metrc encouraging

the department to use a track-and-trace technology system in its Compassionate-Use Program.

RESPONSE:

This comment relates to a track-and-trace technology system and has no impact on the proposed rules. No changes were made to the proposals based on this comment.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Health and Safety Code, §487.052, which requires the director to adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487; §487.104(f), which requires the director to adopt rules to establish a timeline for reviewing and taking action on an application submitted; and House Bill 46, 89th Leg., R.S. (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 9, 2025.

TRD-202503651

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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Proposal publication date: August 22, 2025

For further information, please call: (512) 424-5848



SUBCHAPTER C. COMPLIANCE AND ENFORCEMENT

37 TAC §12.23

The Texas Department of Public Safety (the department) adopts amendments to §12.23, concerning Revocation. This rule is adopted without changes to the proposed text as published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5443). The rule will not be republished.

The proposed rule amendment implements House Bill 46, 89th Leg., R.S. (2025), by authorizing revocation for a dispensing organization license for failing to begin dispensing low-THC cannabis within 24 months of license issuance or failing to continue dispensing low-THC cannabis during the term of the license.

The department accepted comments on the proposals through September 22, 2025. The substantive comments received and the department's responses are summarized below.

COMMENT:

Written comments relating to §§12.11, 12.23, and 12.35 were submitted by Raj Patel, on behalf of NXP Wellness, LLC in support of these rule proposals.

RESPONSE:

No changes were made to the proposals based on this comment.

COMMENT:

Written comments relating to §§12.11, 12.23, and 12.35 were submitted by Jean Robinson, on behalf of Metrc encouraging the department to use a track-and-trace technology system in its Compassionate-Use Program.

RESPONSE:

This comment relates to a track-and-trace technology system and has no impact on the proposed rules. No changes were made to the proposals based on this comment.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Health and Safety Code, §487.052, which requires the director to adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487; §487.1045(b), which requires the director to adopt rules to revoke the license of a dispensing organization that does not dispense low-THC cannabis within the time required by this section or that discontinues dispensing low-THC cannabis during the term of the license and to monitor whether a dispensing organization is using a license issued to dispense low-THC cannabis; and House Bill 46, 89th Leg., R.S. (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 9, 2025.

TRD-202503652

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



SUBCHAPTER D. SECURITY

37 TAC §12.35

The Texas Department of Public Safety (the department) adopts new §12.35, concerning Security of Satellite Locations. This rule is adopted without changes to the proposed text as published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5444). The rule will not be republished.

The proposed rule implements House Bill 46, 89th Leg., R.S. (2025), by establishing security requirements for dispensing organization satellite locations if approved by the department.

The department accepted comments on the proposals through September 22, 2025. The substantive comments received and the department's responses are summarized below.

COMMENT:

Written comments relating to §§12.11, 12.23, and 12.35 were submitted by Raj Patel, on behalf of NXP Wellness, LLC in support of these rule proposals.

RESPONSE:

No changes were made to the proposals based on this comment.

COMMENT:

Written comments relating to §§12.11, 12.23, and 12.35 were submitted by Jean Robinson, on behalf of Metrc encouraging the department to use a track-and-trace technology system in its Compassionate-Use Program.

RESPONSE:

This comment relates to a track-and-trace technology system and has no impact on the proposed rules. No changes were made to the proposals based on this comment.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Health and Safety Code, §487.052, which requires the director to adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487; §487.1035(d), which requires the director to adopt rules regarding the design and security requirements for satellite locations; and House Bill 46, 89th Leg., R.S. (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 9, 2025.

TRD-202503653

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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Proposal publication date: August 22, 2025

For further information, please call: (512) 424-5848



CHAPTER 14. SCHOOL BUS SAFETY STANDARDS

SUBCHAPTER D. SCHOOL BUS SAFETY STANDARDS

37 TAC §§14.51 - 14.54

The Texas Department of Public Safety (the department) adopts amendments to §§14.51 - 14.54, concerning School Bus Safety Standards. These rules are adopted without changes to the proposed text as published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5445). The rule will not be republished.

The proposed amendments update the rules to reflect the equipment specifications for 2025 model school buses operating in the State of Texas, modify language so that it is consistent with the statutory framework, including removing references to private schools, and update references to required forms. Additional non-substantive changes have been made to improve clarity and readability.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Education Code, §34.002, which authorizes the department to adopt safety standards for school

buses; Texas Transportation Code, §547.101(a), which authorizes the department to adopt rules necessary to administer the chapter; §547.102, which authorizes the department to adopt safety standards and specifications for school bus equipment; and §547.7015, which authorizes the department to adopt rules governing the design, color, lighting, and other equipment, construction and operation of a school bus for the transportation of school children.

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 October 9, 2025.

TRD-202503654

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 211. ADMINISTRATION

37 TAC §211.1

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §211.1, Definitions, without changes to the proposed text as published in the July 25, 2025 issue of the *Texas Register* (50 TexReg 4339). The rule will not be republished.

This adopted amended rule adds definitions for a full-time peace officer, part-time peace officer, and reserve law enforcement officer. The definitions were developed from Texas Government Code Chapter 614, Texas Occupations Code §1701.001, and the statutes cited in the reserve law enforcement officer definition. These definitions will provide guidance for correctly categorizing the type of appointment for each peace officer. Also, the Commission has previously been asked for the number of appointments for each definition category and will be able to provide more accurate information in response.

The public comment period began on July 25, 2025, and ended on September 4, 2025, at the conclusion of the public meeting of the Commission. Three public comments were received.

Public Comment No. 1: Commenter asked for clarification of the phrase "entitled to all employee benefits offered to a peace officer by the appointing law enforcement agency or its governing body" in relation to peace officers appointed with a fire department. Under the same governing body, the municipal police department and the fire departments have separate meet and confer agreements that do not apply to the peace officers appointed with a fire department.

Commission Response: What matters are the benefits the full-time or part-time officers at your agency are offered, whether that is offered by the agency itself or the governing body.

Public Comment No. 2: Commenter requested that the Commission consider changing the requirement that a full-time peace

officer work at least 32 hours per week to at least 64 hours every two weeks to cover irregular work schedules.

Commission Response: The amended rule requires that a full-time peace officer works at least 32 hours per week on average, which already accounts for the requested change by requiring an average of the work hours per week over time.

Public Comment No. 3: Commenter is not in favor of the part-time peace officer definition because a retired peace officer who receives insurance benefits from their previous agency could not qualify as a part-time officer for another agency.

Commission Response: This is not correct as the definition for part-time peace officer only states that a part-time officer is required to be entitled to all employee benefits offered to a peace officer by the agency or its governing body. The definition does not state that the part-time officer must elect to receive those benefits from the current agency.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Gregory Stevens

Executive Director

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For further information, please call: (512) 936-7700



37 TAC §211.29

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §211.29, Responsibilities of Agency Chief Administrators, without changes to the proposed text as published in the July 25, 2025 issue of the *Texas Register* (50 TexReg 4342). The rule will not be republished.

This adopted amended rule codifies in rule the requirements of law enforcement agencies in relation to the Commission that are contained in Texas Occupations Code Chapter 1701 or in the Misconduct Allegations and Personnel Files model policies. As intended by Senate Bill 1445 (88R), this will allow the Commission to enforce limited aspects of these model policies, or substantively similar ones, as adopted by law enforcement agencies. This includes the requirement that agencies investigate and submit reports for allegations of misconduct of their appointed licensees and that they maintain personnel and department files for their appointed licensees and submit those personnel and department files to the Commission when required.

The public comment period began on July 25, 2025, and ended on September 4, 2025, at the conclusion of the public meeting of the Commission. One public comment was received.

Public Comment: Commentor is against the requirement in Subsection (o)(4) that a chief administrator must submit a report to the Commission for all completed investigations of alleged administrative misconduct, including for those investigations where the allegations were not sustained. He is also against the requirement in Subsection (o)(6) that documentation of the completed investigation be included in the licensee's personnel or department file, as appropriate. His reasoning is that allegations of misconduct that are not sustained can still cause reputational and other negative impacts to the officer. Also, some may question why the Commission does not take disciplinary action against a licensee that has a certain amount of complaints against them.

Commission Response: Senate Bill 1445 (88R), also known as the TCOLE Sunset Bill, required the Commission to create model policies for the investigation of allegations of misconduct and the maintenance of personnel files, which is codified in Texas Occupations Code §§1701.4522 and .4535. The bill also required every agency to adopt these model policies, or substantively similar ones. The requirements in this proposed rule, including the ones the commenter takes exception to, are baseline requirements in the statute which are required to be in the model policies. As such, the proposed rule does not create any additional requirements that are not already contained in the model policies as required by statute.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.4522, Misconduct Investigation and Hiring Procedures, and Texas Occupations Code §1701.4535, Personnel File. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.4522 requires the Commission to adopt a model policy for misconduct investigations. Texas Occupations Code §1701.4535 requires the Commission to adopt a model policy for personnel files.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.4522, Misconduct Investigation and Hiring Procedures, and Texas Occupations Code §1701.4535, Personnel File. No other code, article, or statute is affected by this proposal.

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 215. TRAINING AND EDUCATIONAL PROVIDERS

37 TAC §215.8

The Texas Commission on Law Enforcement (Commission) adopts new 37 Texas Administrative Code §215.8, Minimum Standards for Appointment as a Training Coordinator over a Basic Licensing Course, without changes to the proposed text as published in the July 25, 2025 issue of the *Texas Register* (50 TexReg 4344). The rule will not be republished.

The new rule establishes minimum standards and training requirements for individuals to be appointed as a training coordinator over a basic licensing course. This new rule was developed by the Minimum Standards for Training Coordinators Advisory Committee for the purpose of ensuring that basic licensing courses are conducted by qualified training coordinators. The new rule distinguishes between appointments for a licensee already appointed by a law enforcement agency that seeks to be a training coordinator over a licensing course versus all others seeking to be a training coordinator over a licensing course. These minimum standards for appointment contained in Subsection (b) were derived from the minimum standards required for Commission licensees as contained in 37 Texas Administrative Code §217.1 and will require a training provider to perform a Commission background investigation on the applicant for appointment. Also, this new rule requires training coordinators over a basic licensing course to take a basic training coordinator course once and continuing education on a biennial basis.

The public comment period began on July 25, 2025, and ended on September 4, 2025, at the conclusion of the public meeting of the Commission. No public comments were received regarding adoption of the new rule as proposed.

The new rule is adopted under Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The new rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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37 TAC §215.9

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §215.9, Training Coordinator, without changes to the proposed text as published in the July 25, 2025 issue of the *Texas Register* (50 TexReg 4346). The rule will not be republished.

This adopted amended rule requires a training coordinator to report to the Commission the separation of any student from a basic licensing course within 30 days of separation. Previously, only students who successfully completed a basic licensing course were reported to the Commission. This amendment will allow the tracking of all students who enroll in a basic licensing course to improve data collection on enrollment patterns and academy operations. The Commission can use this data to allocate resources appropriately. Another goal is to reduce academy shopping by applicants through the collection and sharing of academy records of separated applicants.

The public comment period began on July 25, 2025, and ended on September 4, 2025, at the conclusion of the public meeting of the Commission. One public comment was received.

Public Comment: Commentor asked if the requirement to report the separation of a student from a basic licensing course applies to the training coordinator over the basic licensing course or the training coordinator of the employing agency.

Commission Response: It applies to the training coordinator over the basic licensing course as they are the training coordinator over the course from which the student has separated.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and §1701.153, Reports from Agencies and Schools. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.153 requires the Commission to establish reporting standards and procedures for the activities of licensed training schools and for matters the Commission considers necessary for the administration of Occupations Code Chapter 1701.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and §1701.153, Reports from Agencies and Schools. No other code, article, or statute is affected by this proposal.

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 223. ENFORCEMENT

37 TAC §223.19

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §223.19, License Revocation, without changes to the proposed text as published in the July 25, 2025 issue of the *Texas Register* (50 TexReg 4348). The rule will not be republished.

The adopted amended rule requires the Commission to revoke the license of a licensee that is convicted or placed on community supervision for an offense under Chapter 39 of the Texas Penal Code. This conforms with the Commission's standard practice of seeking revocation for abuse of office offenses. The adopted amended rule will also allow the Commission to revoke the license of a licensee that is convicted or placed on community supervision for an offense committed against a vulnerable person, as defined, or any offense involving cruelty to animals. Commission licensees, in their position of authority, need to be trusted to safely and ethically exercise care, custody, or control over members of the public. This amendment will help to ensure that Texas is served by ethical law enforcement professionals by allowing revocation of licensees that have demonstrated a possible danger to the public.

The public comment period began on July 25, 2025, and ended on September 4, 2025, at the conclusion of the public meeting of the Commission. No public comments were received regarding adoption of the amended rule as proposed.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.501, Disciplinary Action. Texas Occupations Code §1701.151 authorizes the

Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.501 authorizes the Commission to establish procedures for the revocation of a license and to adopt other necessary enforcement procedures.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.501, Disciplinary Action. No other code, article, or statute is affected by this proposal.

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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