

**THE UNIVERSITY OF TEXAS SYSTEM
OFFICE OF GOVERNMENTAL RELATIONS**



Summaries of Legislation Impacting Higher Education

88th Legislature, Regular Session

September 2023

Foreword

This document, compiled by The University of Texas System Office of Governmental Relations (OGR), summarizes higher education related legislation enacted by the 88th Legislature, Regular Session. It is intended to serve as a resource for institution and system employees who must be familiar with or are responsible for implementing new state laws.

This publication consists of brief overviews of individual bills, arranged by subject matter under broad categories, such as academic issues and health issues. It is essential to note that some bills fall under multiple themes and are therefore reiterated in various corresponding sections. Within each theme, the bills are catalogued numerically, not by importance. The summaries outline the principal aspects of each bill that directly or indirectly affect higher education and deliver a primary evaluation of the bill's impact. Brief directives on implementation, along with insights on which staff or officers should be aware of the bill, are included. For those requiring additional information, OGR should be contacted for more detailed guidance. The purpose of each summary is to guide the reader to a bill and supply sufficient information to indicate whether an in-depth examination and/or formulating an executive plan is required. The summary does not replace a comprehensive analysis tailored to the specific context of an office or institution. The complete text of each bill, as well as its legislative history and other pertinent details, can be found online at <https://capitol.texas.gov/>, a site managed by the Texas Legislative Council, a governmental body that serves both chambers of the Texas Legislature and offers further legislative resources.

We want to express our gratitude to OGR Legislative Intern Matthew Gardea who, in conjunction with OGR staff and UT System department analysts who reviewed the bills during session, worked throughout the summer to prepare this publication.

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Academic Affairs

COMMUNITY COLLEGE FINANCE

HB 8 – VanDeaver - Relating to public higher education, including the public junior college state finance program.

HB 8 presents a revised approach to funding community colleges in the state. Texas is transitioning from a traditional system, primarily based on students' class attendance duration, to a formula that factors in specific outcomes. This adjustment aims to align the funding mechanism with the state's strategic blueprint for higher education, "Building a Talent Strong Texas," and cater to both regional and state workforce requirements.

The model defined by this bill is structured around several key outcomes:

- High school students completing 15 semester credit hours through dual credit or dual enrollment courses.
- Community college students transitioning to public four-year universities or achieving 15 semester credit hours within a structured co-enrollment program.
- Students attaining credentials that hold relevance in the economic landscape, labor market dynamics, and offer potential career pathways.

Additionally, the bill stipulates a weighted system to account for the educational costs associated with economically and academically challenged students, as well as adult learners. House Bill 8 outlines a method to determine funding based on the outcomes, ensuring that community colleges have the necessary resources to meet their educational objectives in line with state-defined goals.

Implementation: Institutions should evaluate their academic offerings related to the key outcomes defined by HB 8, such as facilitating successful transitions to four-year institutions and the provision of relevant credentials.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the commissioner of education, and the Texas Higher Education Coordinating Board.

SECURING CHILDREN ONLINE THROUGH PARENTAL EMPOWERMENT ACT

HB 18 – Slawson - Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school.

HB 18 "Securing Children Online through Parental Empowerment" Act is a privacy bill. There is no direct impact on UT System as it is exempt unless OGC says any of it applies to any k-12 schools that UT

controls. The bill may affect vendors we contract with and OGC will need to determine if any additional contract clauses may be required. It may also reduce our pool of vendors in the affected area. Consult with: Cristina Blanton, Scott Patterson, & Helen Mohrmann.

Implementation: For Article 3, OGC should determine if this Article applies to any k-12 entities that UT controls.

For the rest of the bill, OGC to determine prior to September 1, 2024, if:

1. We need any additional contract clauses; and
2. If portions other than Article 3 apply to any k-12 schools that UT operates.

Effective Date: 09/01/2024 except for Article 3 that takes effect immediately (for k-12 schools).

Responsible Party: Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HAIR TEXTURE

HB 567 - Bowers - Relating to discrimination on the basis of hair texture or protective hairstyle associated with race.

HB 567 amends the Education Code, Labor Code, and Property Code to prohibit discrimination against a hair texture or protective hairstyle commonly or historically associated with race, including braids, locks, and twists. Any student dress or grooming policy adopted by a school district or institution of higher education, including ones for extracurricular activities may not discriminate against a hair texture or protective hairstyle.

The bill lays out that employers, labor unions, employment agencies, and housing authorities are acting unlawfully if they adopt or enforce policies that discriminate against hair texture or protective hairstyles commonly or historically associated with race. Amendments to the Labor Code and Property Code apply only to an unlawful employment practice or discriminatory housing practice that occurs on or after the effective date of this Act.

Implementation: All policies regarding student dress and grooming must be revised to explicitly prohibit discrimination based on hair texture or protective hairstyles. This includes any rules or guidelines for extracurricular activities.

Possible update to Regent [Rule 10701: Policy Against Discrimination](#);

Subsequently, possible update to [HOP 3.1.1 Equal Employment Opportunity](#).

Effective date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of Human Resources (Johnny Reyes)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TECHNOLOGY CREDENTIAL

HB 584 – Capriglione - Relating to the development of a state information technology credential offered by public junior colleges or public technical institutes to address shortages in the state information resources workforce.

State agencies are currently experiencing labor shortages in information security positions. To address this HB 584 aims to expedite the pathway to an information security career by directing the Texas Higher Education Coordinating Board to approve an information technology credential program for state agencies, which includes a one-year apprenticeship. The Government Code is amended to require that the Department of Information Resources (DIR) include a study as part of its annual analysis. This study shall determine whether entering into an agreement with a public junior college district or public technical institute is appropriate to assist the department in meeting staffing needs. (DIR)'s intra-agency career ladder program shall be modified to ensure that an associate degree together with an information technology credential may be substituted for a four-year baccalaureate degree.

The Government Code is amended by adding Section 2054.0701 “State Information Technology Credential.”

- (a) “Public technical institute” has the meaning assigned by Section 61.003 of the Education Code.
- (b) (DIR) may enter into an agreement with a public junior college district or a public technical institute to offer a program leading to an information technology credential.
- (c) Approved by the Texas Higher Education Coordinating Board (THECB), the program must develop the knowledge and skills necessary for an entry-level information technology position in a state agency. The one-year apprenticeship can be completed at the Department of Information Resources, a relevant state agency, an organization working on a major information resources project, or a regional network security center established under Section 2059.202 of the Government Code.
- (d) DIR’s executive director shall update its intra-agency ladder program to ensure that a four-year baccalaureate degree may be substituted for an associate degree together with an information technology credential.
- (e) Upon review in the office of the state auditor, the classification officer shall review the state’s position classification plan to determine whether a baccalaureate degree may be substituted for an associate degree together with an information technology credential and revise job descriptions accordingly.
- (f) DIR may use any money available to the department, solicit and accept gifts, grants, and donations from any public/private source to offer a program if a program is not fully funded through tuition and other money of the public junior college district or public technical institute.

Implementation: No impact

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TEMPORARY TEACHING CERTIFICATION

HB 621 – Shaheen - Relating to creating a temporary certification to teach career and technology education for certain military service members and first responders.

To tackle teacher shortages HB 621 grants rulemaking authority to the State Board for Educator Certification to establish a temporary one-time certification program for certain military service members and first responders who wish to teach career and technology education. The definition of "first responder" includes peace officers, fire protection personnel, and emergency medical services personnel.

The program applies to individuals who have been honorably discharged, retired, or released from active duty in the armed forces, or who have retired, resigned, or separated from employment as a first responder in good standing. The State Board of Education will propose rules for issuing temporary certificates to eligible individuals who meet all other requirements for standard certification, with some flexibility regarding educational qualifications. The temporary certificates will be valid for up to three years and will not be subject to renewal. Once issued a temporary certificate, an individual can pursue a standard certificate by completing all necessary eligibility requirements. Additionally, school districts hiring employees with temporary certificates must require them to undergo at least 20 hours of classroom management training, unless they have documented experience as instructors or trainers during their military or first responder service.

Implementation: No impact

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking Authority - Rulemaking authority is expressly granted to the State Board for Educator Certification.

UIL ENROLLMENT CLASSIFICATION

HB 699 – Frank - Relating to determining the student enrollment of a public school that allows non-enrolled students to participate in University Interscholastic League activities for purposes of assigning a University Interscholastic League classification.

HB 699 amends the Education code to require that the University Interscholastic League (UIL) use the same student enrollment calculation formula for public schools, regardless of whether they allow non-enrolled students to participate in UIL activities. Currently, Subsection (c) allows public schools participating in UIL activities to provide non-enrolled students the opportunity to participate on behalf of the school. When assigning UIL classification to a public school based on student enrollment, UIL must

use the same formula for schools that allow non-enrolled student participation as it does for schools that do not allow such participation.

Implementation: No impact

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority - This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

READER ACT

HB 900 – Patterson - Relating to the regulation of library materials sold to or included in public school libraries.

The Restricting Explicit and Adult-Designated Educational Resources (READER) Act modifies the Education Code, introducing regulations on the material in public school libraries to reinforce parents as the primary arbiters of their child's library access. The bill defines sexually explicit material and mandates the Texas State Library and Archives Commission, with the State Board of Education, to adopt voluntary and compulsory standards for library services and collection development. These guidelines are to be refreshed every five years and require policies against harmful, explicit, or educationally unsuitable content. The bill also requires transparency in library catalogs, parent communication, and non-discrimination in material removal.

Additionally, the bill adds Chapter 35 to the Education Code, regulating library material vendors who must rate sexually explicit or relevant content and recall any such material sold to school districts or charter schools. Schools are required to obtain parental consent for students to access sexually relevant materials, and the commissioner of education can adopt rules to administer the bill. The Texas State Library and Archives Commission is to adopt the standards for school library collection development by January 1, 2024, while the initial content review and report submission by school districts and open-enrollment charter schools are due by January 1, 2025. This Act's modifications to the Education Code take effect from the 2023-2024 academic year.

Implementation: No impact

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority is expressly granted to the commissioner of education.

PUB-ED CONCUSSION OVERSIGHT TEAM

HB 1002 – Price - Relating to the membership of a public school concussion oversight team and the removal of a public school student from an interscholastic athletic activity on the basis of a suspected concussion.

Section 38.154 and 38.156 of the Education Code is amended to emphasize the importance of promptly identifying and addressing potential concussions in student athletes. By including licensed individuals and expanding the range of persons authorized to remove a student from play, the bill aims to enhance the safety and well-being of students involved in interscholastic athletics.

Section 38.154 states that a school district or open-enrollment charter school is allowed to include a licensed person under Chapter 201 or 453 of the Occupations Code as a member of the concussion oversight team, provided they meet the training requirement.

Section 38.156 states that a student participating in interscholastic athletics must be immediately removed from practice or competition if there is a belief that they may have sustained a concussion. This belief can be held by a coach, physician, licensed healthcare professional, a person licensed under Chapter 201 or 453 of the Occupations Code, a school nurse, or the student's parent, guardian, or another authorized person responsible for making medical decisions for the student.

Implementation: Institution charter schools should be informed of changes to Section 38.154 and Section 38.156 of the Education Code to ensure compliance.

Effective Date: 09/01/2023

Responsible Party: Institution charter schools

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ACCESS TO CRIMINAL RECORDS FOR RESEARCH PURPOSES

HB 1184 – Rose - Relating to access to criminal history record information for use in certain research or statistical projects.

To expand research in the criminal justice sector HB 1184 amends the Government Code to require the Department of Public Safety (DPS) of the state of Texas in addition to authorized entities, to grant access to criminal history record information to public and private institutions of higher education for research purposes. The bill also authorizes such research to be funded in whole or in part by a criminal justice grant or government fund.

Implementation: Institutions may need to implement strict data management procedures to maintain the security and confidentiality of criminal history record information.

Effective Date: 09/01/2023

Responsible Party: Office of Information Technology & Office of Information Security

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

LIAISON OFFICER FOR STUDENT-PARENTS

HB 1361 – Morales Shaw - Relating to the designation of liaison officers to assist certain students at public institutions of higher education who are parents.

HB 1361 amends the Education to introduce measures to assist student-parents or student-guardians (of a child younger than 18 years of age) by requiring each institution of higher education to designate at least one employee as a liaison officer to provide information about support services and resources available to these students, including medical and behavioral health coverage, public benefit programs, parenting and child care resources, employment assistance, transportation assistance, student academic success strategies, and any other relevant resources developed by the institution. By May 1 of each academic year, institutions of higher education must submit a report to the Texas Higher Education Coordinating Board (THECB) that includes information about the number of student-parents enrolled at the institution, demographic data (such as age, race, sex, and ethnicity), academic data (such as enrollment status and graduation rates), and any other data prescribed by coordinating board rule. THECB would be responsible for adopting rules to administer this section to ensure compliance with federal laws regarding the confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA), and any relevant state laws. HB1361 requires that THECB promptly adopt rules for implementation in the 2023-2024 academic year.

Implementation: Institutions are required to designate at least one employee as a liaison officer to assist student-parents or student-guardians (of a child younger than 18 years of age).

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

TEXAS LEADERSHIP SCHOLARS PROGRAM

HB 1590 – Burns - Relating to the establishment of the Texas Leadership Scholars Program.

HB 1590 establishes the Texas Leadership Scholars Program to provide merit-based scholarships and leadership opportunities for high-achieving, emerging leaders with financial need.

Under the program, two types of scholarships are defined to include both leadership scholarships for undergraduate students and research scholarships for graduate students. The Texas Higher Education Coordinating Board (THECB) will administer the program to award scholarships, provide academic

achievement support, and leadership development to eligible students. THECB shall outline eligibility criteria, scholarship types, program administration, academic support, leadership development, funding sources, and rulemaking procedures. Institutions of higher education may enter into contracts with THECB to aide in the administration of the program, including receiving and reviewing applications, recommending the distribution of funds to institutions of higher education, and developing criteria for the selection of students for the program.

Implementation: Institutions may enter into contracts with THECB to aide in the administration of the program and to distribute scholarship funds.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

NRUF 2.0

[HB 1595](#) - Bonnen - Relating to the administration and investment of, and distribution and use of money from, certain constitutional and statutory funds to support general academic teaching institutions in achieving national prominence as major research universities and driving the state economy; redesignating the national research fund as the Texas University Fund.

HB 1595 creates the Texas University Fund (TUF), a constitutionally dedicated endowment related to research for non-Permanent University Fund eligible institutions who meet certain criteria. In doing so, it eliminates and repurposes the corpus of the existing National Research University Fund (NRUF) endowment that emerging research universities (as defined by the Texas Higher Education Coordinating Board) are currently eligible to participate in upon meeting certain criteria.

The bill:

- sets eligibility criteria and the allocation methodology for the TUF;
- revises eligibility criteria and the allocation methodology for the existing Core Research Support Fund (Core), renamed by the bill as the National Research Support Fund (NRSF);
- revises the allocation methodology for the existing Texas Comprehensive Research Fund (Comprehensive);
- eliminates the use of the emerging research university designation as a criterion for eligibility for any funding mechanism; and
- eliminates the use of the ‘restricted research’ category of expenditures as an allocation methodology for any funding mechanism.

TUF

Eligibility

The institution:

- is Texas State University, Texas Tech University, the University of Houston, or the University of North Texas; or
- is a general academic teaching institution as defined by Texas Education Code Section 61.003;
- is not entitled to participate in the Permanent University Fund;
- spent at least a three-year average of \$20 million in federal and private research funds (adjusted for inflation after fiscal year 2025);

- awarded a three-year average of 45 research doctoral degrees per academic year; and
- the legislature appropriates enough additional funding to ensure that none of the participating institutions' distribution from the fund is reduced.

Once an institution meets the eligibility criteria, it remains eligible to receive funding thereafter.

Allocation methodology

Base Funding (75 percent of the endowment distribution)

- Institutions with a two-year average of at least \$45 million in federal and private research expenditures receive twice as much as institutions who do not meet the \$45 million threshold.

Research Performance Funding (25 percent of the endowment distribution)

- 85 percent is allocated proportionally among eligible institutions based on the three-year average amount of federal and private research expenditures.
- 15 percent of funding is allocated proportionally among eligible institutions based on the three-year average of research doctoral degrees awarded per academic year.

Core/NRSF

Eligibility

The institution:

- is a general academic teaching institution as defined by Texas Education Code Section 61.003;
- is entitled to participate in the Permanent University Fund;
- spent at least a three-year average of \$20 million in federal and private research funds (adjusted for inflation after fiscal year 2025); and
- awarded a three-year average of 45 research doctoral degrees per academic year.

Once an institution meets the eligibility criteria, it remains eligible to receive funding thereafter.

Allocation methodology

- From funding made available by the Texas Legislature, 85 percent is allocated proportionally among eligible institutions based on the three-year average amount of federal and private research expenditures.
- 15 percent of funding is allocated proportionally among eligible institutions based on the three-year average of research doctoral degrees awarded per academic year.

Comprehensive

Allocation methodology

- Funding made available by the Texas Legislature is allocated proportionally among eligible institutions based on the three-year average amount of federal and private research expenditures.

Implementation: Institutions should be aware of rulemaking related to federal and private research expenditures and research doctoral degrees as they relate to the funding methodologies for Core/NRSF and Comprehensive appropriations. Institutions should note the elimination of the NRUF and changes in eligibility criteria and allocation methodologies.

Effective Date: 01/01/2024, if constitutional amendment is approved by voters.

Responsible Party: Office of Academic Affairs; Office of Budget and Planning

Rulemaking authority: Rulemaking authority is expressly granted to the Comptroller of Public Accounts and the Texas Higher Educating Coordinating Board

PUBLIC SCHOOL CURRICULUM ENHANCEMENT AND STATE AID FOR INSTRUCTIONAL MATERIALS AND TECHNOLOGY

HB 1605 – Buckley - Relating to instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials; authorizing a fee.

According to the Texas Education Agency, HB 1605 addresses instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials. This item provides the opportunity for the committee to hear an overview of HB 1605 and to begin discussing implementation.

Implementation: HB 1605 affects institutions within the UT system that provide teacher training or are involved in partnerships with local school districts. While the bill directly addresses school district operations, the indirect implications for higher education institutions revolve around teacher training and professional development. As per the bill, a district may optionally enter into a supplemental agreement with teachers for duties related to initial lesson plan design or instructional material selection not uniformly assigned under employment contracts.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the State Board of Education, and the commissioner of education.

PREKINDERGARTEN PARTNERSHIP PROGRAM/ CHILD-CARE PROFESSIONAL DEVELOPMENT PROGRAM

HB 1615 – Button - Relating to strategies to increase the availability of child-care and prekindergarten programs.

HB 1615 established the Prekindergarten Partnership Program and the Child-Care Professional Development Scholarship Program.

The Prekindergarten Partnership Program aims to assist eligible child-care providers in partnering with local school districts and open-enrollment charter schools to offer required prekindergarten classes. The Texas Workforce Commission in coordination with the Texas Education Agency will develop strategies for expanding the availability of these partnerships using existing funds.

The Child-Care Professional Development Scholarship Program aims to support current and prospective child-care workers in their professional development. The program, funded through appropriations, will provide scholarships for individuals pursuing a Child Development Associate (CDA) credential, an associate degree or bachelor's degree in early childhood education or a related field, or participation in a registered child-care apprenticeship program.

The Government Code is amended to include that the child-care workforce be represented in the composition of a local workforce development board.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: N/A

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CHARTER SCHOOL LOCAL GOV EXEMPTIONS

HB 1707 – Klick - Relating to the applicability of certain laws to open-enrollment charter schools.

HB 1707 amends the Education, and Local Government Code, impacting open-enrollment charter schools and their relationship with political subdivisions and municipalities.

The Education Code is amended to define that open-enrollment charter schools operated by tax-exempt entities are not considered political subdivisions or local governmental entities, unless certain conditions are met. It also establishes requirements for open-enrollment charter schools to be treated as school districts by political subdivisions for numerous purposes, such as zoning, permitting, and licensing.

The Local Government Code pertains to land development standards is amended to require municipalities to enter into agreements with school districts or open-enrollment charter schools to establish review fees, review periods, and land development standards. It also exempts land development ordinances for temporary classroom buildings on existing school campuses. School districts and open-enrollment charter schools are exempt from certain provisions related to public information. Additionally, Section 12.103(c) of the Education Code is repealed. Any exemption granted to a school district under Section 552.053(b)(4) of the Local Government Code extends automatically to all open-enrollment charter schools in the municipality, unless the exemption is repealed.

These amendments address the legal status, responsibilities, and relationships of open-enrollment charter schools in Texas, particularly concerning their interaction with political subdivisions and municipalities.

Implementation: Institutions with charter school partnerships ensure that they meet the zoning, permitting, platting, and licensing standards similar to a school district as described in Subsection (d) of Section 12.1058, Education Code. It should be ascertained whether the charter school is in compliance with the non-profit requirements outlined in Subsection (e).

Effective Date: 09/01/2023

Responsible Party: Institutional charter schools

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

LONE STAR WORKFORCE OF THE FUTURE FUND

HB 1755 - Button - Relating to the creation of the Lone Star Workforce of the Future Fund.

HB 1755 amends the Education Code to establish the "Lone Star Workforce of the Future Fund" (LSWFF) to address the skills gap in the available workforce, establishes a six-member advisory board of education and workforce stakeholders, and ensures the LSWFF will be a dedicated account in the general revenue fund, with various sources of funding, including appropriations, interest, and donations.

The advisory board's role is to provide recommendations on awarding grants under this chapter. The LSWFF funds can be used for awarding grants and conducting due diligence assessment reviews of grant recipients in collaboration with corporate partners.

The act establishes the LSWFF grant program providing grants to public junior colleges, public technical institutes, and nonprofit organizations. These entities must meet certain eligibility criteria, including administering performance-based workforce training programs, demonstrating successful outcomes in recruiting and training individuals for high-demand occupations, and securing funding from sources other than the state government.

Performance benchmarks established by the Texas Workforce Commission will require entities to facilitate the transition of at least 50 percent of participants into full-time jobs with self-sufficient wages within six months of program completion. Non-compliance may result in "pro rata" reimbursement. Entities receiving grants are also required to submit progress reports to the commission.

HB 1755 includes a provision that allows the Texas Workforce Commission to implement mandatory requirements based on funding availability indicates a recognition of budget constraints. This ensures that the commission can prioritize actions based on the availability of funds and provides cost estimates for unimplemented provisions in subsequent fiscal years.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Workforce Commission

FIREARM EXCEPTION ON SCHOOL/INSTITUTION PREMISES

HB 1760 – Hefner - Relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions.

HB 1760 amends Section 46.03(a) of the Penal Code. Includes on the premises of a school or post-secondary educational institution, on any grounds or building owned by and under the control of a school or post-secondary educational institution and on which an activity sponsored by the school or institution is being conducted. HB 1760 expands firearm possession exceptions on school and postsecondary educational institution premises, enabling concealed handgun license holders to carry concealed handguns

on school-owned grounds/buildings, provided they have school/institution authorization and no weapon prohibition. Additionally, this applies to a passenger transportation vehicle of such a school/institution, provided that the person does not possess any other weapon prohibited under this section.

Operational Impact (ODOP): All BPOC course material related to Penal Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.
- UTSP TRAINING BULLETIN 001-FIREARMS ON CAMPUS and GUIDANCE MATRIX will need to be amended to reflect the bill.

Fiscal Impact (ODOP): It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

UT DALLAS STUDENT UNION FEE

HB 1912 – Button - Relating to student buildings fees at The University of Texas at Dallas.

With UT Dallas seeing significant growth in enrollment, it aims to construct a new student union building funded by an increased student union fee. HB 1912 amends the Education Code to raise the cap of the UT Dallas student union fee from \$60 to \$100 per student for each regular semester, and from \$40 to \$50 per student per each term of a summer session for the purpose of financing, constructing, operating, maintaining, and improving student union buildings. The fee imposed under this section cannot be raised by more than a 10 percent increment compared to the fee charged in the previous academic year.

Implementation: The University of Texas at Dallas should work with the UT System Office of Academic Affairs on proposed student fee increase.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CHARTER SCHOOL ESTABLISHMENT/EXPANSION

HB 2102 - Goldman - Relating to the establishment of a new open-enrollment charter school campus by certain charter holders and to the expansion of an open-enrollment charter school.

Currently the Texas Education Agency limits holders of a public charter school to send a notification or request to open a new campus until 18 months before the campus is scheduled to open. HB 2102 amends the Education Code to extend the request and notification window from 18 months to 36 months as it relates to the establishment of a new open-enrollment charter school campus and to the expansion of an open-enrollment charter school.

Implementation: Charter schools should be informed of the extended notice period.

Effective Date: 09/01/2023

Responsible Party: Institutional charter schools

Rulemaking authority: Rulemaking authority is expressly granted to the commissioner of education.

NATIONAL MOTTO DISPLAY IN CLASSROOM SETTINGS

HB 2012 - Oliverson - Relating to the display of the national motto in public school and institution of higher education classrooms.

HB 2012 amends the Education code to permit teachers at public elementary or secondary schools and teachers/professors at institutions of higher education to display in the classroom a copy of the national motto that meets accompanying statutory requirements.

Implementation: No impact

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

FINANCING DIGITAL COURSE MATERIALS

HB 2177 – Stucky - Relating to establishing a digital course materials pilot program.

HB 2177 amends the Education Code to authorize the Texas Higher Education Coordinating Board (THECB) to establish the “Digital Course Materials Pilot program” to provide financial assistance to student accessing digital course material at a public junior college, public technical institute, or public

state college. "Digital course material" is defined as a digital textbook, supplemental material, or open educational resource. THECB shall administer the program to award grants to participating eligible institutions, determine fund allocation criteria, and ensure that eligible institutions authority to select course materials remains unaffected. THECB is required to submit a report evaluating the effectiveness of the pilot program in improving student outcomes to the governor, lieutenant governor, speaker of the house of representatives, and relevant legislative committees by September 1, 2026. The report must include a recommendation on whether the pilot program should be continued, expanded, or terminated. This section expires on September 1, 2027.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

PUBLIC ACCOUNTANCY

HB 2217 - Button - Relating to the regulation of the practice of public accountancy.

HB 2217 updates language in the Occupations Code to clarify the regulation of public accountancy practice in the state by redefining corporation, expanding scholarship eligibility requirements, eliminating outdated conditions concerning the passage of an examination, allowing for foreign certificate holders to practice public accountancy in this state, establishes electronic notification practices, and requires the Texas Board of Public Accountancy (TSBPA) to consider certain scholastic ability requirements.

“Corporation” is redefined as: Including an entity authorized by an equivalent law of another state or foreign country. The requirement that accounting-student-scholarship-applicants be *fifth-year* students to be eligible for the “Scholarship Trust Fund for Accounting Students” is eliminated. The bill clarifies that TSBPA shall establish and collect a fee from individual applicants to administer the examination that the applicant is eligible to take. Section 901.310 is retitled “Passage of Examination” and deletes a preexisting condition requiring that TSBPA consider a person to have passed an examination if the person receives credit for each subject by receiving conditional credit after September 1, 1989, and passing the remaining subjects within the six consecutive examinations following the examination for which the person receives conditional credit. The holder of a certificate, license, or degree authorizing the person to practice public accountancy in a foreign country who on or before September 1, 2023, registered with TSBPA may continue to practice in this state as long as the person stays in compliance with the provisions of this chapter and board rules applicable to the person.

The bill also updates the notification practices to include electronic notice via email address regarding a notice of license expiration/notice of the renewal fee and requires the Texas Board of Public Accountancy (TSBPA) to consider scholastic ability in at least 15 hours of upper-level accounting coursework when reviewing scholarship applications under Section 901.653 of the Occupations Code.

Implementation: Institutions will need to adapt the language and guidelines for scholarship funds for accounting students, removing the specific focus on fifth-year students and broadening it to all accounting students. The Texas State Board of Public Accountancy will provide further guidance in the form of rules by October 1, 2023.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is granted to the Texas State Board of Public Accountancy.

PROTECTIONS OF REFEREE/JUDGES IN EXTRACURRICULAR ACTIVITIES

HB 2484 – Guillen - Relating to the safety of a referee, judge, or other official at certain public school extracurricular activities and competitions and prohibiting certain conduct by a spectator related to those officials' safety.

To improve the safety of people serving as referees, judges, or other officials of an extracurricular athletic activity/competition HB 2484 requires school districts and open-enrollment charter schools to prohibit spectators who engage in conduct that causes bodily injury to these individuals from attending future events sponsored by the school district or the University Interscholastic League. School districts may establish an appeals process and are required to impose a prohibition for not less than one year but not to exceed five years for spectators who violate this rule.

Implementation: Institution charter schools must enact measures to safeguard referees, judges, or officials at extracurricular activities.

Effective Date: 09/01/2023

Responsible Party: Institution charter schools

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ATHLETIC TRAINER LICENSURE

HB 2495 – Price - Relating to the requirements to obtain or renew an athletic trainer license.

Athletic trainer licensure was moved from the Department of State Health Services to the Texas Department of Licensing and Regulation (TDLR) in 2015. Since then, statutes have not been updated to reflect the transfer across departments. HB 2495 amends the Education Code to include these provisions, and additionally requires athletic trainers to obtain continuing education in the subject matter of concussions as it pertains to the requirements to obtain or renew an athletic trainer license. Applicants for an athletic trainer license will no longer be required to have a degree in corrective therapy with at least a minor in physical education or health that includes a basic athletic training course, meet the

apprenticeship requirement, and obtain a minimum of 20 working hours a week each fall semester. Section 451.154 of the Occupations Code is repealed which required an out-of-state applicant to meet the requirements specified in Section 451.153 and provide evidence of employment as an athletic trainer in Texas; including being employed by an educational institution or a recognized athletic organization, where the role of an athletic trainer is their primary responsibility during the school year or athletic season.

Implementation: Institutions should inform athletic trainers about the changed requirements and coordinate with the Texas Department of Licensing and Regulation to ensure that all trainers meet the new standards. These changes include mandatory continuing education on concussions (Section 1, 38.158(b) and (e), Education Code), as well as the new licensing and apprenticeship requirements (Sections 3 and 4, 451.153 and 451.156, Occupations Code).

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ATHLETIC TRAINING DEFINITIONS

HB 2512 – Morrison - Relating to the regulation of athletic trainers.

Athletic trainers provide a wide scope of services that is not reflected in current state law. HB 2512 aims to increase the availability of health care services offered by athletic trainers, directed by licensed physicians or other relevant health professionals by expanding of the definitions of "athletic injury" and "athletic training." The extension of these definitions aims to expand employment opportunities for athletic trainers across the state.

"Athletic injury" means an injury sustained by a person as a result of physical activity or exercise or the person's participation in an organized sport or sport-related exercise or activity, including interscholastic, intercollegiate, intramural, recreational, semiprofessional, and professional sports activities.

"Athletic training" means the form of health care that includes principles and methods for managing and treating athletic injuries for athletic individuals in good general health under the direction of a physician licensed in this state or another qualified, licensed health professional who is authorized to refer for health care services within the scope of the person's license, and consists of:

- (A) managing the risk of an athletic injury or illness;
- (B) preventing an athletic injury or illness;
- (C) assessing an athletic injury or illness;
- (D) providing immediate emergency care;
- (E) providing therapeutic intervention for an athletic injury; and

(F)reconditioning an athletic injury or illness.

Implementation: Institutions should notify athletic trainers of the expanded definition of athletic injury and the tasks included under the practice of athletic training, ensuring that all current and future training programs align with these definitions, and revising institutional policies accordingly. There should be coordination with physicians and other licensed health professionals authorized to refer for health care services, to ensure that their referral practices fall within the new scope of athletic training.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

NAME, IMAGE & LIKENESS

HB 2804 – Kuempel - Relating to use of the name, image, or likeness of a student athlete participating in an intercollegiate athletic program at an institution of higher education.

This bill makes several updates to the Name, Image, & Likeness statute passed last session. It allows student-athletes to use IP/other property owned by the institution under their NIL contracts if the institution grants permission, and use of a facility, trademark, etc. may only be authorized with compliance of institution-required parameters. Institutions will now be permitted to identify, create, facilitate, or assist enrolled students with NIL opportunities under certain conditions, and the role of third party entities (e.g. “collectives”) is clarified. The bill also updates the existing financial literacy/life skills program to be required only for first year students, not first and third year; makes private any information written/produced/maintained by an institution related to a student athletes NIL contract; and prohibits an athletic association or conference from penalizing institutions that allow or participate in NIL-related activities authorized by the statute.

Implementation: Institutions must update their policies on student athletes' use of their name, image, or likeness (NIL). Stakeholders including university administrators and health center staff will need to delineate the official team activities as per Subsection (a-1), ensuring contracts for the use of the student athlete's NIL align with the conditions mentioned in Subsections (g) and (g-1). Institutions must also arrange a financial literacy and life skills course (Subsection (i)) for first-year students and ensure the confidentiality of NIL contracts as mentioned in Subsection (l).

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of General Counsel

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DIGITAL PLATFORM ASSESSING THE VALUE OF HIGHER EDUCATION FOR PROSPECTIVE POSTSECONDARY STUDENTS

HB 2920 – Paul - Relating to the distribution, posting, or provision of information regarding postsecondary education and career opportunities and to the confidentiality of certain information relating to persons provided assistance in accessing postsecondary education.

HB 2920 aims to ensure that prospective postsecondary students have the information to assess the value of a certificate program, associate/baccalaureate degree program, or other credential programs offered by an institution of higher education. The Education Code is amended to require the Texas Education Agency to make information that compares institutions of higher education (previously available upon request) publicly available for any public or private school student. The Texas Higher Education Coordinating Board in coordination with the Texas Workforce Commission, institutions of higher education, the federal government, and relevant sources will develop a digital platform (Credential library) to highlight information that includes future workforce needs, annual starting wage information, highest demand jobs, the top 40 baccalaureate degree programs and the top 20 associate degree/certificate programs with the highest average annual wages, relative cost of obtaining a certificate/degree/credential including median student debt, debt-to-income ratio, education outcomes etc.

Implementation: Institutions must prepare to display, in a prominent location not more than three hyperlinks from their website's home page, a link to the electronic tools or platforms developed by the Texas Higher Education Coordinating Board (as per Section 61.09022(b) / Section 7.040(c)). Data must be provided to the Board for the purpose of assessing the value of their degree or credential programs (as per Section 61.09022(a)), including specifics on costs, student debt, and educational outcomes. Confidentiality of applicant or student data must be maintained (as per Section 61.031(d)) and procedures for any necessary donations, gifts or grants to support the implementation should be put in place (as per Section 61.09022(c)).

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

CLASSROOM TEACHER/COUNSELOR CONTINUING EDUCATION REQUIREMENTS

HB 2929 – Lozano - Relating to continuing education and training requirements for classroom teachers and public-school counselors.

To address an unintended consequence of SB 1267 (87R), HB 2929 ensures that classroom teachers receive full credit towards their continuing education requirements by amending Section 21.054(d) of the Education Code to allow teachers that have over 25 percent of training as described under Subsection (d-2) to count towards the teacher's overall training requirements.

Under current law, 25 percent of teachers continuing education must be regarding:

Collecting and analyzing information that will improve effectiveness in the classroom; Recognizing early warning indicators that a student may be at risk of dropping out of school; Digital learning, digital teaching, and integrating technology into classroom instruction; Educating diverse student populations including those who are educationally disadvantaged and at risk of dropping out; Understanding appropriate relationships, boundaries, and communications between educators and students.

Previously teachers with over 25 percent of continuing education in these areas were prohibited from counting it towards their total credit for continuing education. HB 2929 eliminates this requirement and allows all continuing educational training to count towards teachers' total requirements.

Continuing education requirements for a counselor include that at least 25 percent of required training every five years must be regarding:

Assisting students in developing high school graduation plans; Implementing dropout prevention strategies; Informing students concerning college admissions, including college financial aid resources and application procedures, and career opportunities; Counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and Effective implementation of a comprehensive school counseling program under Section 33.005.

Implementation: HB 2929 affects institutions within the UT system that provide teacher training. May be implications for higher education institutions revolved around teacher training and professional development.

Effective Date: 09/01/2023, applies beginning with the 2023-2024 school year.

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TEXAS STATE TECHNICAL COLLEGE SYSTEM EXPANSION

HB 3287 – LaMantia - Relating to the locations of the campuses of the Texas State Technical College System.

Current law inhibits Texas State Technical College (TSTC) from operating and/or expanding outside of specific city limits in the state. To promote campus expansion HB 3287 removes language from the Education Code that specifies which cities TSTC can operate within. The bill authorizes TSTC to operate anywhere in the counties where its campuses are located. The establishment of a campus in Denton County is authorized, and additional campuses that operate as a collective unit of one or more locations are authorized in Ellis County, Comal County, Guadalupe County, and Williamson County east of State Highway 130 and Interstate Highway 35. Junior college districts are not prevented from annexing territory in Comal, Denton, Guadalupe, or Williamson County. Comal, Denton, Guadalupe, and Williamson County are now included on the list of counties in which approval of technical-vocational programs does not apply.

Implementation: No impact

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TEXAS SPACE COMMISSION

HB 3447 – Bonnen - Relating to the establishment and administration of the Texas Space Commission and the Texas Aerospace Research and Space Economy Consortium.

HB 3447 establishes the Texas Space Commission to promote innovation in the field of space operations and commercial aerospace opportunities, including the integration of space, aeronautics, and aviation industries into the Texas economy. The TSC is administratively attached to the Office of the Governor and is governed by a 9-member board of directors. The bill also establishes the Texas Aerospace Research & Space Economy Consortium to identify research opportunities and make recommendations to the TSC to enhance the state's position in aeronautics R&D, astronautics, space commercialization, spaceflight infrastructure, and enhance space-related industries into the Texas economy. The Consortium is comprised of all higher education institutions in the state, and the executive committee over the Consortium is comprised of 9 appointed members, including the UT and Texas A&M Chancellors or their designee, and the Rice University President or their designee. HB 1 appropriates \$150 million to the newly established Space Exploration and Aeronautics Research Fund, and \$200 million to Texas A&M to construct a building adjacent to Johnson Space Center.

Implementation: The chancellor or the chancellor's designee is required to serve as a member of the executive committee that the consortium is be governed by. The committee must execute intergovernmental agreements and development agreements, including with institutions of higher education and nonprofit entities and no later than December 31 of each even-numbered year, the executive commission shall submit to the Texas Space Commission a written report.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of the Chancellor

Rulemaking authority: Rulemaking authority is expressly granted to the board of directors of the Texas Space Commission.

HOMESCHOOL STUDENT CLASS RANK FOR THE PURPOSES OF UNDERGRADUATE ADMISSIONS

HB 3993 - Middleton - Relating to the automatic admission of students with a nontraditional secondary education to certain public institutions of higher education.

HB 3993 clarifies an administrative error relating to the admission of homeschool graduates seeking undergraduate college admission to public institutions of higher education under the top 10 percent rule. The bill amends Section 51.803 of the Education Code to clarify that public institutions of higher education using the top 10 percent rule in admissions decisions shall use the formula passed by SB 1543 in 2015. SB 1543 assigns homeschool graduate students a class rank based on “The average high school graduating class rank of undergraduate applicants to the institution who have equivalent standardized testing scores as the applicant.”

Implementation: Institutions may need to update their class ranking calculation formula to comply with the formula passed under SB 1543 in 2015.

Effective Date: 09/01/2023, applies beginning with admission for the fall 2024 semester.

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

COMPETENCY BASED EDUCATION GRANT PROGRAM

HB 4005 - Raney - Relating to the establishment of the Texas Competency-Based Education Grant Program for certain students enrolled in competency-based baccalaureate degree programs and to formula funding and dropped and repeated course restrictions for students enrolled in those degree programs at public institutions of higher education.

HB 4005 authorizes the Texas Higher Education Coordinating Board (THECB) to establish and administer the Texas Competency-Based Education Grant Program that aims to provide financial assistance to students enrolling in competency-based baccalaureate degree programs at eligible institutions. "Competency-based baccalaureate degree program" is defined as a program in which academic credit is awarded based solely on a student's attainment of competencies rather than traditional course-based units. THECB shall determine criteria for initial, continuing, and priority grant eligibility. This act will apply beginning with the fall 2023 semester.

Implementation:

To implement the Texas Competency-Based Education Grant Program, institutions must identify students who meet eligibility criteria, including residency, financial need, enrollment in a competency-based program, and compliance with nonacademic requirements. They should establish processes to verify and document these criteria. Financial aid offices should work closely with THECB to determine the amount of grants awarded to eligible students.

Institutions should also establish procedures to address cases of hardship or other good cause shown, allowing students to continue receiving grants if their completion rate falls below the requirements due to severe illness, caregiving responsibilities, or other qualifying circumstances. Institutions should communicate the availability of the Texas Competency-Based Education Grant Program to eligible students, providing guidance on the application process and any additional requirements.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

FUTURE TEXAS TEACHERS SCHOLARSHIP PROGRAM

[HB 4363](#) - Kuempel - Relating to the establishment of the Future Texas Teachers Scholarship Program for certain students at public institutions of higher education.

HB 4363 authorizes the Texas Higher Education Coordinating Board to establish and administer the Future Texas Teachers Scholarship Program attract, prepare, and retain a diverse and talented workforce of public-school teachers. The program aims to provide financial assistance for tuition, mandatory fees, and other costs associated with attending an eligible institution that operates an educator preparation program.

To prepare prospective teachers the program should require additional field-based and clinical teaching experience beyond the minimum hours mandated by the State Board for Educator Certification. Furthermore, it should offer or facilitate opportunities for recipients to engage in learning beyond the traditional university classroom setting. The program must comply with additional eligibility criteria established by THECB.

Initial eligibility requirements require that applicants be Texas residents, and either be enrolled full-time in an eligible institution or have applied for admission and plan to enroll full-time in the following academic year. Applicants must be working towards a bachelor's or master's degree and intend to be admitted to an eligible educator preparation program. Additionally, they must demonstrate a commitment to pursuing a career as a public-school teacher in a teaching field experiencing a critical shortage of teachers or in a school with a majority of educationally disadvantaged students. The person must comply with continuing eligibility requirements and specified requirements, including completing a criminal history background check and meeting any academic or nonacademic requirements set by THECB.

The scholarship amount will be determined annually and adjusted for inflation using the college tuition and fees index component of the consumer price index. Scholarship amounts will be published by THECB each year. The scholarship funds can be used to pay any usual and customary cost of attendance at an eligible institution, but the institution can disburse the funds only if the person's tuition and required fees have been paid.

School districts will also be required to notify middle school students, junior high school students, and high school students, those students' teachers and school counselors, and those students' parents of the Future Texas Teachers Scholarship Fund in addition to the TEXAS grant, and the Teach for Texas grant.

Implementation: THECB will coordinate with eligible institutions who offer educator preparation programs, and financial aid coordinators to communicate scholarship amounts, oversee the distribution of funds, and determine priority scholarship criteria.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

TEXAS SEMICONDUCTOR INNOVATION CONSORTIUM

HB 5174 – Bonnen - Relating to the establishment and administration of the Texas Semiconductor Innovation Consortium.

This bill establishes the Texas Semiconductor Innovation Consortium as an advisory panel to the Governor and the Legislature to further Texas' leadership in advanced semiconductor research, design, and manufacturing and attract investment in the state by leveraging the expertise and capacity of institutions of higher education, industry, and nonprofit stakeholders. The Consortium is administratively attached to the Office of the Governor and is governed by an executive committee comprised of 9 appointed members, including the UT and Texas A&M Chancellors or their designees. The Consortium is comprised of representatives from numerous institutions of higher education in the state, including UT Arlington, UT Austin, UT Dallas, UT El Paso, UT Rio Grande Valley, and UT San Antonio. HB 5174 also establishes the Texas Semiconductor Innovation Fund, which can provide matching funds to institutions of higher education for semiconductor manufacturing and design projects or award grants to business entities. SB 30 includes nearly \$700 million for the Innovation Fund in addition to funding semiconductor-related projects at UT Austin and Texas A&M.

Implementation: Institutions must designate a representative to participate in the Texas Semiconductor Innovation Consortium as per Section 481.653. Administrators should work to identify potential funding and research opportunities as outlined in Section 481.656(a)(2) in coordination with the consortium's executive committee. Designated institutions will participate in preparing a biennial report.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs, Office of the Chancellor, Office of Institutional Research and Analysis

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TEXAS UNIVERSITY FUND

HJR 3 - Bonnen - Proposing a constitutional amendment renaming the national research university fund as the Texas University Fund, providing for the appropriation of certain investment income from the economic stabilization fund to the Texas University Fund, excepting appropriations to and from the Texas University Fund from the constitutional limit on the rate of growth of appropriations, and appropriating money from the general revenue fund to the Texas University Fund to be spent for purposes of providing funding to certain public institutions of higher education to achieve national prominence as major research universities and drive the state economy.

HJR 3 proposes a constitutional amendment relating to the Texas University Fund, which provides funding to certain institutions of higher education to achieve national prominence as major research universities and drive the state economy. The bill requires that the proposed constitutional amendment be submitted to the voters at the November 7, 2023 election.

Implementation: Institutions will be required to undertake administrative tasks including tracking interest income, dividends, and investment earnings of their economic stabilization funds to comply with Section 1 Subsections (p) and (q). Administrators will determine eligibility and manage funds under the criteria set by the legislature, as mandated by Section 2, Subsection (g).

Effective Date: The proposed constitutional amendment shall be submitted to the voters at the November 7, 2023 election.

Responsible Party: Office of Academic Affairs & Office of Institutional Research and Analysis

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REGULATING SEXUALLY ORIENTED PERFORMANCES IN PUBLIC SPACES

SB 12 – Hughes - Relating to the authority to regulate sexually oriented performances and to restricting those performances on the premises of a commercial enterprise, on public property, or in the presence of an individual younger than 18 years of age; authorizing a civil penalty; creating a criminal offense.

This bill creates a criminal offense if a person engages in a “sexually oriented performance” on public property at a time, place, and manner that could reasonably be expected to be viewed by a child; or in the presence of an individual younger than 18 years of age.

The bill defines a “sexually oriented performance” as any visual performance that features;

- A performer who is nude, or who engages in “sexual conduct”; and
- Appeals to the “prurient interest in sex.”

Sexual Conduct is also defined by the bill, and includes:

- The exhibition or representation, actual or simulated, of sexual acts, including vaginal sex, anal sex, and masturbation;

- The exhibition or representation, actual or simulated, of male or female genitals in a lewd state, including a state of sexual stimulation or arousal;
- The exhibition of a device designed and marketed as useful primarily for the sexual stimulation of male or female genitals;
- Actual contact or simulated contact occurring between one person and the buttocks, breast, or any part of the genitals of another person; or
- The exhibition of sexual gesticulations using accessories or prosthetics that exaggerate male or female sexual characteristics.

Implementation: Relevant departments at each institution should be informed. This is a criminal statute, general in application.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of General Counsel

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TRANSGENDER COLLEGE ATHLETES

SB 15 – Middleton - Relating to requiring public institution of higher education students who compete in intercollegiate athletic competitions to compete based on biological sex.

SB 15 requires that students participating in an intercollegiate athletic competition sponsored or authorized by a higher education institution do so based on their biological sex, as correctly stated on their birth certificate at or near their time of birth. The bill allows a female student to compete in an intercollegiate competition designated for male students if a corresponding team/competition for female students was not offered or available. SB 15 prohibits males from competing on a mixed-sex intercollegiate athletic competition sponsored or authorized by the institution in a position that is designated for female students. This bill does not apply to intramural sports.

Implementation: Institutions will need to enact measures ensuring that students' participation in intercollegiate athletics aligns with their biological sex as defined by Section 51.980(d) of the Education Code. Administrators should coordinate with athletics departments to establish a clear system for verifying students' biological sex as per their official birth certificates or other government records.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of Systemwide Compliance (Title IX)

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

DIVERSITY, EQUITY & INCLUSION (DEI)

SB 17 – Creighton - Relating to public higher education reform; authorizing administrative penalties.

The Board of Regents shall ensure each academic and administrative unit of the institutions of higher education overseen by the board:

- Do not establish or maintain a DEI office, division, or other unit;
- Do not hire or assign an employee or contract with a third party to perform the duties of a DEI office, division, or unit;
- Does not compel, require, induce, or solicit any person to provide a DEI statement or give preferential consideration to any person based on the provision of a DEI statement;
- Does not give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employment, including a candidate for promotion, or tenure, or a participant in any function by the institution;
- Does not require or make mandatory DEI training;
- The bill does not limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that: 1) highlights the institution's work in supporting first generation students, low income students, or underserved student populations, or 2) certifies compliance with state and federal antidiscrimination laws.

The DEI prohibitions do not apply to:

- Academic course instruction;
- Scholarly research or creative work by an institution's students, faculty, or other research personnel or the dissemination of that work;
- Activities of registered or recognized student organizations;
- Guest speakers and performers on short-term engagements;
- Policies, practices, procedures, and programs to enhance student academic achievement that are designed and implemented without regard to race, color, sex, or ethnicity;
- Data collection; or
- Student recruitment and admissions process

Study:

- THECB, in coordination with the institutions of higher education, shall conduct a study each biennium to evaluate the impact of SB 17 on the application rate, acceptance rate, matriculation rate, retention rate, grade point average, and graduation rate of higher education students disaggregated by race, sex, and ethnicity.

Implementation: The bill also requires institutions to adopt policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who violates the provisions of the bill;

Institutions are required to submit to the legislature and the THECB a report certifying compliance with the bill's requirements before it may spend appropriated funds for the next fiscal year;

- The board or its designee must testify before the Senate Committee on Education regarding compliance with the bill;

- Once every four years, the state auditor shall conduct a compliance audit of each institution of higher education to determine compliance with the bill. If the audit shows a violation, there is a 180 day cure period.
- Failure to cure will result in the loss of formula funding increases, institutional enhancements, or exceptional items in the subsequent biennium.
- A student or employee who is required to participate in DEI training in violation of the bill may bring an action against the institution for declaratory or injunctive relief.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs and Office of General Counsel

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TENURE

SB 18 – Creighton - Relating to tenure and employment of faculty members at public institutions of higher education in Texas.

The bill retains tenure in Texas while also providing a framework for how tenure is granted at institutions of higher education, how tenured faculty members' performance are reviewed, and when and how tenured faculty may be dismissed.

The bill defines tenure as “the entitlement of faculty members to continue in their academic positions unless dismissed...for good cause...” The decision to grant tenure may only be made by the university's governing board, based on recommendations from the institution's president and the system's chancellor. The granting of tenure may not be construed to create a property interest in any attribute of a faculty position beyond a faculty member's continuing employment, including the faculty member's regular annual salary and any privileges incident to the faculty member's status as a tenured professor.

The bill requires that institutions adopt policies and procedures that cover the process of granting tenure, the conditions for dismissal of tenured faculty, and periodic performance review for all tenured faculty. The specific grounds for dismissal, provided due process is observed, include: professional incompetence; repeated or continued failure to perform duties or meet professional responsibilities; failure to complete a post-tenure review development program; moral turpitude that adversely affects the institution or faculty member's performance of duties or meeting of responsibilities; violation of laws or institution policies related to the performance of a faculty member's duties; conviction of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration; engaging in unprofessional conduct that adversely affects the institution or faculty member's performance of duties or meeting of responsibilities; falsification of academic credentials; financial exigency or program elimination; and other good cause as defined by an institution's policies.

In accommodating the institution's character, role, and scope, the bill gives latitude to the governing board of an institution to tailor its policies in accordance with the mission, traditions, resources, and relevant circumstances of the institution. The board must seek advice and comment from the faculty before adopting policies and procedures covered by the bill.

A tenured faculty member who receives an unsatisfactory rating in any area of the comprehensive performance evaluation is to be provided with a short-term development plan that includes performance benchmarks for returning to satisfactory performance.

The bill also authorizes the summary dismissal of a tenured faculty member based on a finding that a faculty member committed serious misconduct, as defined by the institution's policies and with appropriate due process. The bill includes specific steps that must be followed in a summary dismissal process.

SB 18 also requires the governing board of institutions to file a copy of tenure policies and procedures with Coordinating Board before September 1 of each year.

Implementation: On August 24, 2023, the UT System Board of Regents adopted revisions to Regents' Rules 31002 (Notice to Nontenured Faculty), 31007 (Tenure), 31008 (Termination of a Faculty Member), and 31102 (Evaluation of Tenured Faculty) and the revised rules were filed with the Coordinating Board in accordance with SB 18. Prior to adoption of these revisions, the UT System Board of Regents sought advice and comment from institutional presidents and faculty. Institutional policies adopted in accordance with SB 18 and the UT System Regents Rules must be approved by the Chancellor, Executive Vice Chancellor for Academic or Health Affairs, and the Vice Chancellor and General Counsel.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs, Office of Health Affairs, Office of General Counsel & Board of Regents

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

NURSING

SB 25 – Kolkhorst - Relating to support for nursing-related postsecondary education, including scholarships to nursing students, loan repayment assistance to nurses and nursing faculty, and grants to nursing education programs.

SB 25 establishes and revises provisions regarding scholarships, loan repayment, and grant programs for nursing students.

SB 25 addresses the following provisions of interest:

Financial Aid for Professional Nursing Students and Vocational Nursing Students and Loan Repayment Program for Certain Nurses:

- The bill would revise the definition of “professional nursing student” to mean a student enrolled in an institution of higher education, a private, or independent institution of higher education, or a nonprofit, tax-exempt, regionally accredited college or university operating in accordance with a memorandum of understanding with the state under an executive order issued by the governor.
- Establishes certain grant programs to support the education and training of nurses, including:
 - Fund preceptor pay differentials at clinical sites to increase the number of preceptors needed to expand clinical site capacity.

- Create and fund nursing innovation and coordination grants for clinical sites, including hospitals and health systems, and increase funding for workplace violence prevention.
- Create and fund clinical nurse faculty grant programs.
- Nursing Faculty Loan Repayment Assistance Program:
 - With respect to the nursing faculty loan repayment assistance program, changes the eligibility requirement for receiving loan repayment assistance under the program that, as a condition of eligibility under current law, requires a nurse to, at the time of application for repayment assistance, have been employed part-time or full-time for at least one year as, and be currently employed part-time or full-time as, a faculty member of a nursing degree program at a public, private, or independent institution of higher education;
 - Removes the provision setting a \$7,000 cap on the amount of loan repayment.

Implementation: Institutions should first review the eligibility criteria in Sections 61.651(1), 61.655, 61.656, and 61.658(b). Following that, they should align their internal scholarship and loan repayment programs with the changes in these sections, ensuring to include those enrolled in a course leading to professional nursing in a nonprofit, tax-exempt, regionally accredited college or university.

Institutions should examine the new grant programs detailed in Subchapter Z-1, specifically Sec. 61.9641 through 61.9647, and identify ways for receiving these grants. Actions should be taken to establish connections with clinical sites, initiate innovative pilot programs for nursing, and establish part-time nursing faculty positions.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

PROHIBITING COVID-19 PREVENTATIVE MEASURES

SB 29 – Birdwell - Relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

SB 29 prohibits certain coronavirus preventative measures including mask mandates, vaccine mandates, and closure mandates for private businesses and schools. The bill clarifies which entities may impose such preventative measures. Except in state supported living centers, facilities operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department, municipal or county jails, and governmental entity-owned hospitals or health care facilities, a governmental entity cannot enforce a mask mandate. Hospitals and health care facilities/clinics operated by or associated with an institution of higher education are subject to follow an applicable order or mandate rule. Governmental entities are prohibited from imposing vaccine mandates for COVID-19, except in cases where the prohibition conflicts with the final rule adopted by the Centers for Medicare and Medicaid Services, as published in the Federal Register. A government entity may not enforce a mandate that requires private businesses, public schools, open-enrollment charter schools, or private schools to close in order to prevent the spread of COVID-19.

Implementation: Institutions must review and adapt their existing COVID-19 preventive strategies. Imposing face-covering mandates is prohibited, except where conflicting with guidance from the Health and Human Services Commission or the Department of State Health Services.

To comply with Sec. 81B.003, institutions cannot mandate COVID-19 vaccinations. They must adjust their policies to be consistent with the Centers for Medicare and Medicaid Services' final rule published at 86 Fed. Reg. 61555 (November 5, 2021).

To comply with Sec. 81B.004, closure mandates to control the spread of COVID-19 is prohibited. Administrators must consider this when forming contingency plans for potential future outbreaks.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs and Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

STUDENT HAZING

SB 37 - Zaffirini – Relating to the criminal offense of hazing.

SB 37 seeks to promote the reporting and prevention of hazing of students in educational institutions. A person who reports hazing or knowledge thereof to the dean of students or other appropriate officials of an institution is granted immunity from civil or criminal liability if they report the incident prior to being contacted by the institution or law enforcement agency. SB 37 amends the Education Code to include peace officers and law enforcement agency officials in the list of persons that hazing, or knowledge thereof can be reported to. Changes made by SB 37 applies only to an offense committed on or after September 1, 2023.

Operational Impact (ODOP): Provides that a person commits an offense if the person has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to one of certain persons, including a peace officer or a law enforcement agency. Provides that any person, including an entity organized to support an organization, who voluntarily reports a specific hazing incident involving a student in an educational institution to one of certain persons, including a peace officer or a law enforcement agency, is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident.

Fiscal Impact: No fiscal impact

Implementation: Institutions will need to update their policies and procedures concerning hazing. The update should include the expanded definitions and consequences of hazing as per Section 37.152(a) of the Education Code, such as aiding, encouraging, or recklessly permitting hazing. It also needs to cover the legal responsibility to report known hazing incidents to an appropriate official or law enforcement.

Institutions also need to provide channels for voluntary reporting of hazing incidents, in line with Section 37.155(b). This includes offering immunity for those who report in good faith before an investigation is

initiated. The cooperation requirement during institutional or law enforcement investigations should also be clearly stated in these procedures.

The changes to law apply to offenses committed after the effective date (September 1, 2023), as detailed in Section 3, and to civil causes of action that accrue on or after this date (Section 4). This detail should be reflected in the implementation timeline of the new policies and procedures.

UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of the Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

BEST PRACTICES FOR STUDENTS WITH AUTISM SPECTRUM DISORDER

SB 55 – Zaffirini - Relating to a study and report by the Texas Higher Education Coordinating Board regarding best practices for assisting students with autism spectrum disorder.

SB 55 requires the Texas Higher Education Coordinating Board (THECB) in collaboration with the advisory council on postsecondary education for individuals with intellectual and developmental disabilities, to conduct a study on best practices for assisting students with *autism spectrum disorder* (ASD) in higher education institutions. The study will track the graduation from secondary schools, enrollment in higher education institutions, assess the availability of financial assistance, and monitor graduation rates of students with ASD in higher education. It will also analyze successful practices from out-of-state institutions that have improved outcomes for students with ASD. THECB will work with the Texas Education Agency to discover how specialized programs for students with ASD in elementary and secondary schools can be replicated or extended to postsecondary institutions. However, the study cannot request, require, or use personally identifiable student information. By December 1, 2025, THECB must submit a written report to certain government officials that include the findings of the study and any recommendations for legislative or other actions. The section will expire on January 1, 2026.

Implementation: Institutions will need to compile specific data regarding students with autism spectrum disorder (ASD) to aid THECB in its study. This data will include ASD student enrollment, graduation rates, and financial assistance availability. Institutions are prohibited from sharing personally identifiable student information.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ELIMINATING SALES TAX FOR THE PURPOSES OF PURCHASING AN ACADEMIC TRANSCRIPT AT A PRIVATE INSTITUTION OF HIGHER EDUCATION

SB 65 – Zaffirini - Relating to excluding the furnishing of an academic transcript from the definition of "information service" for purposes of sales and use taxes.

Public university students are exempt from the sales tax when purchasing their academic transcripts. SB 65 would amend the Tax Code to exclude an academic transcript from the definition of "Information service." The bill would ensure that students attending both public and private institutions of higher education are exempt from paying the state sales tax when purchasing their academic transcripts. This Act takes effect October 1, 2023.

Implementation: No impact. This bill would only affect private institutions.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CAREER INVESTIGATION DAY

SB 68 – Zaffirini - Relating to excused absences from public school for certain students to visit a professional's workplace for a career investigation day.

SB 68 amends the Education Code to allow a school district to excuse a high school student from attending school for the purposes of visiting a professional at their workplace to conduct a career investigation. School districts must adopt a policy to verify the students visit and determine which absences may be excused for this purpose. Students may not be excused from school for more than two days during their junior year, and two days during their senior year. This Act applies beginning with the 2023-2024 school year.

Implementation: No impact. This applies to public school "excused absence" procedures.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CPA REQUIREMENTS

SB 159 – Perry - Relating to eligibility requirements for a certified public accountant certificate and to take the uniform CPA examination.

SB 159 amends the eligibility requirements to obtain a certified public accountant certificate and to take the uniform CPA exam.

In addition to current eligibility requirements for applicants pursuing to obtain a certified public accountant certificate the Occupations Code is amended to require that applicants must complete a minimum of 150 semester hours or equivalent quarter-hour courses recognized by the Texas State Board of Public Accountancy (TSBPA) including courses in an accounting concentration or equivalent subjects determined by TSBPA.

The educational requirement is amended to require that applicants complete at least 120 rather than 150 semester hours or quarter-hour equivalents in TSBPA recognized courses, including at least 24 semester hours of accounting or equivalent courses determined by TSBPA, and eliminates the two-year work experience requirement. This applies only to an application to take an examination submitted on or after the effective date of this Act.

Implementation: Institutions should revise their CPA curriculum and counseling guidelines. The changes include a reduction in required semester hours from 150 to 120 to be eligible for the uniform CPA examination (Section 901.254), and a change in work experience requirements for CPA certification from two years to one (Section 901.256(a)). In addition, requirements for certification now include passing an examination on professional conduct (Section 901.252). Academic advisors and administration should communicate these changes to relevant students and faculty.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas State Board of Public Accountancy.

RESPIRATORY DISTRESS TREATMENTS IN EDUCATIONAL INSTITUTIONS

SB 294 - Johnson - Relating to the use of epinephrine auto-injectors and medication designated for treatment of respiratory distress on public and private school campuses.

SB 294 aims to improve the management of medical emergencies related to anaphylaxis and respiratory distress on school campuses and institutions of higher education in Texas. The bill focuses on specifying the rules/regulations of the maintenance and administration of epinephrine auto-injectors and medication for respiratory distress (such as asthma medicine) in educational institutions by amending the Education Code.

"Medication for respiratory distress" is defined as albuterol, levalbuterol, or another medication designated by the executive commissioner of the Health and Human Services Commission for the treatment of respiratory distress.

The advisory committee created by the commissioner of state health services will examine and review the administration of epinephrine auto-injectors and medication for respiratory distress on school campuses and institutions of higher education. The committee shall advise the commissioner on the storage/maintenance of epinephrine auto-injectors and medication for respiratory distress, training of school personnel and volunteers, and development of a plan for the presence of trained personnel on each campus.

Several subsections are amended and added to specify rules and requirements for the maintenance, administration, training, and storage of epinephrine auto-injectors and medication for respiratory distress.

The training responsibilities of school districts, open-enrollment charter schools, and private schools are expanded to include the administration of medication for respiratory distress. School personnel and school volunteers who are authorized and trained may administer medication for respiratory distress. Schools must report the administration of medication for respiratory distress to the school district, physician, and the commissioner of state health services within a specified period. If a school is not informed of a student's asthma diagnosis by the parent/guardian, the school must refer the student to their primary care provider on the same day and inform the parent/guardian. The referral should include symptoms, medication details, and any care instructions. If the student does not have a primary care provider, the parent/guardian must be provided with information to help them choose one.

Amendments clarify the prescription, standing order, and dispensing of epinephrine auto-injectors and medication for respiratory distress, and the requirement for providing written notice that informs parents/guardians of the implementation of policies related to epinephrine auto-injectors and medication for respiratory distress. Individuals who take action or fail to act in accordance with this are granted immunity from civil or criminal liability or disciplinary action.

Implementation: Institutions will need to develop rules for the storage, maintenance, administration, and training related to epinephrine auto-injectors and medication for respiratory distress and ensure compliance with the new requirements for educational institutions.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

ROTC REQUIREMENTS FOR THE TEXAS ARMED SERVICES SCHOLARSHIP PROGRAM

SB 371 – Eckhardt - Relating to the Texas Armed Services Scholarship Program.

SB 371 amends the Education Code regarding the minimum requirements to receive the Texas Armed Services Scholarship and the administration of the program. Now rather than completing the mandatory four years of ROTC training, students who receive the scholarship will now be required to complete one year of ROTC training for each year that the student receives the scholarship. The bill requires the Texas Higher Education Coordinating Board to update its website to provide information regarding ROTC

training requirements to students before they enter into a contract with the board. This Act applies beginning with a Texas Armed Services Scholarship awarded for the 2024-2025 academic year.

Implementation: Institutions must adjust their administrative processes for the Texas Armed Services Scholarship Program. Administrators should update scholarship materials and counseling guidelines, ensure ROTC departments are informed and prepared for the change, and revise website content to include the necessary ROTC information.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROTECTIONS FOR PREGNANT/ PARENTING STUDENTS

SB 412 - Paxton - Relating to protections for pregnant and parenting students enrolled in public institutions of higher education.

SB 412 aims to provide protections for pregnant and parenting students in institutions of higher education by establishing certain prohibitions, and anti-pregnancy/parenting discrimination guidelines. The Texas Higher Education Coordinating Board (THECB) will collaborate with institutions to establish rules and guidelines for this section.

Institutions will be prohibited from taking certain action against students based solely on their parenting or guardian status. Pregnant or parenting students cannot be required to take a leave of absence, participate in an alternative program, change their major, refrain from joining particular courses/activities, or any action that may limit their studies.

Reasonable accommodations will include excusing absences, allowing students to make-up missed assignments or assessments, provide additional time to complete assignments, and grant access to instructional materials and video recordings for students with excused absences. Pregnant or parenting students will be permitted to take a leave of absence and, if in good academic standing, can return to their degree or certificate program without having to reapply for admission.

Implementation: Institutions must adopt a policy against pregnancy and parenting discrimination by January 15, 2024, including contact information for requests, posting on the institution's website, and provide the policy to faculty and staff on an annual basis. This will also likely necessitate the development of a record-keeping system that ensures proper documentation related to absences, accommodations, and student requests. THECB will collaborate with institutions to establish rules regarding minimum leave of absence periods.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of Systemwide Compliance

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

TEXAS HISTORY COURSES

SB 427 - Kolkhrst - Relating to requiring certain institutions of higher education to enter into an agreement to offer undergraduate courses in Texas History.

To ensure that all undergraduate students have access to Texas History courses, SB 427 requires institutions who do not offer this course to enter into an agreement with another postsecondary educational institution who offers this course. Such an agreement should provide students at least three semester credit hours or equivalent in Texas History.

Implementation: Institutions not offering Texas History courses will be required to enter into an agreement with another institution who does offer this course.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

EARLY REGISTRATION FOR PARENTING STUDENTS

SB 459 - Paxton - Relating to early registration for parenting students at public institutions of higher education.

Institutions who grant early registration for course or programs to any students must provide the same early registration priority for parenting students.

“Parenting student” is defined as a student enrolled at an institution of higher education who is the parent or legal guardian of a child under the age of 18 years of age.

Implementation: Institutions must include parenting students in priority registration for courses and/or programs.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TEMPORARY TEACHING CERTIFICATES FOR MILITARY INSTRUCTORS

[SB 544](#) - Blanco - Relating to the issuance of a temporary teaching certificate to and requirements regarding educator certification for certain persons with experience as instructors for the Community College of the Air Force.

SB 544 authorizes the Texas Higher Education Coordinating Board (THECB) to adopt rules that grant temporary teaching certificates to certain military instructors who have a bachelor's degree and at least two semesters' experience as a full-time instructor for the Community College of the Air Force. These individuals can be issued a temporary teaching certificate upon enrollment in an educator preparation program. The State Board for Educator Certification will count their education, training, and experience as instructors for the Community College of the Air Force towards the completion requirements of the educator preparation program. The temporary teaching certificate is valid for one year from the date of issuance.

Implementation: Institutions should collaborate with THECB to develop rules outlining eligibility criteria and procedures for issuing temporary teaching certificates to eligible military instructors. This process should establish a mechanism to evaluate credit, monitor program progress, and provide support as needed to ensure successful program completion for military instructors.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the State Board for Educator Certification.

COUNSELOR CERTIFICATION REQUIREMENTS

[SB 798](#) - Middleton - Relating to the certification requirements for a public school counselor.

SB 798 amends the Education Code to no longer mandate that classroom experience be required for certification as a school counselor.

Implementation: Institutions offering school counselor certification programs must adjust their curriculum and program requirements to align with the bill changes. Changes should be finalized and communicated to current and prospective students by January 1, 2024, in accordance with the State Board for Educator Certification's timeline for proposing necessary rules for implementation.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Institution charter schools

Rulemaking authority: Rulemaking authority is expressly granted to the State Board for Educator Certification.

SILENT PANIC ALERT TECHNOLOGY

SB 838 - Creighton - Relating to school districts and open-enrollment charter schools providing silent panic alert technology in classrooms.

To increase protections for classrooms across the state SB 838 amends the Education Code to require that school districts and open-enrollment charter schools install silent panic alert technology in every classroom that allows for immediate contact with district or school emergency services, as well as other emergency services agencies, law enforcement agencies, health departments, and fire departments. This new requirement does not replace the requirement for employees to have access to a telephone or electronic communication device. Funds from the school safety allotment or other available funds may be utilized to comply with this section. School districts and open-enrollment charter schools should follow their customary procurement process. The Act applies starting the 2025-2026 school year.

Implementation: Institution charter schools should conduct an assessment to determine the specific silent panic alert technology requirements for each classroom considering the existing emergency communication systems. Relevant personnel including IT staff should coordinate seamless integration with existing emergency response systems and communication infrastructure. A budget should be established for equipment, installation, training, and ongoing maintenance. Protocols for continual staff training, technology testing requirements and compliance monitoring should be established.

Effective Date: 09/01/2023

Responsible Party: Institution charter schools

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

STEPHEN F AUSTIN

SB 1055 – Nichols - Relating to the creation of new university in Nacogdoches, Texas, within the University of Texas System; abolishing Stephen F. Austin State University.

The bill moves Stephen F. Austin State University (SFA) into The University of Texas System (UTS). The bill dissolves SFA as a stand-alone university and recreates it within the UT System. SFA will retain its name and will be known as Stephen F. Austin State University, a member of The University of Texas System. This bill allows for flexibility during the transition period, giving discretion to the UTS board. The bill also sets out additional provisions relating to the transition, the admission and credit transfer of students, and the employment of tenured and tenure-track faculty.

Implementation: On November 29, 2022, the Stephen F. Austin State University Board of Regents approved an affiliation with The University of Texas System. On May 10, 2023, Governor Abbott signed legislation requiring that the U. T. System Board of Regents establish Stephen F. Austin State University, a member of The University of Texas System (SFA), as a general academic teaching institution of the first class and establish a date of operations. On July 27, 2023, the U. T. System Board of Regents assumed management and control of SFA to comply with conditions of continued accreditation set by the Southern Association of Colleges and Schools Commission on Colleges. At the UT System Board of Regents meeting in August 2023, the Board approved a motion to delegate authority to the Chancellor to take

actions necessary to facilitate transfer of operations to the newly established institution and to the General Counsel to the Board to amend Regents' Rules to reflect SFA's inclusion in The University of Texas System. Board action also included an initial ratification of previous Stephen F. Austin Board actions to ensure continuity in the operation of the new institution. U. T. System offices will continue to work with SFA to ensure existing policies are consistent with systemwide standards and requirements to the extent possible.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Board of Regents

Rulemaking authority: Rulemaking authority is expressly granted to the University of Texas System board of regents.

PRE EMPLOYMNT-AFFIDAVITS FOR CHILD-CARE FACILITY APPLICANTS

[SB 1469](#) - Bettencourt - Relating to requiring certain information before being employed by a child-care facility.

To ensure that child-care employees are properly vetted for the safety of children, SB 1469 requires that individuals seeking employment at child-care facilities must submit a pre-employment affidavit. The affidavit will require applicants to disclose whether they have ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor. Applicants answering in the affirmative must provide all relevant details related to the charge, including whether it was determined to be true or false. Failure to disclose required information can result in termination of employment.

Implementation: No impact

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ACADEMIC BOYCOTTS OF FOREIGN COUNTRIES

[SB 1517](#) - King - Relating to prohibiting certain academic boycotts of foreign countries by public institutions of higher education.

SB 1517 authorizes the Texas Higher Education Coordinating Board (THECB) to administer and adopt rules that would prohibit institutions of higher education from implementing academic boycotts of foreign countries that would restrict students or faculty members from studying, conducting research, or interacting with scholars or representatives of the boycotted country. Foreign countries that have been

listed as a state sponsor of terrorism by the United States Department of State may have an academic boycott implemented.

Implementation: Institutions may need to update academic policies affected by this act and ensure that administrators, faculty members, and students are effectively communicated through official channels such as websites, emails, and campus-wide announcements of the prohibition of academic boycotts and the exceptions for countries listed as state sponsors of terrorism. Institutions should cooperate with THECB on implementation guidelines and provide information or data requested to guide rule development and compliance monitoring processes.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

ESPIONAGE, IP THEFT, AND RESEARCH

[SB 1565](#) - Hughes – Relating to policy frameworks for research security established by public institutions of higher education.

SB 1565 amends the Education Code to require the governing board of each public institution of higher education to establish a policy framework that promotes secure academic research at the institution while mitigating the risk of foreign espionage and interference. The bill requires the governing board of a university system to establish a separate policy framework for each institution under the governing board's management and control.

SB 1565 requires the policy framework to address the following:

- Achieving the highest level of compliance with applicable ethical, legal, regulatory, contractual, and system standards and requirements for securing and protecting the institution's research portfolios;
- Promoting within the institution an organizational culture of compliance with federal requirements to ensure the institution maintains eligibility for federal funding; and
- Designating a person to serve as a research security officer responsible for maintaining classified information, maintaining controlled unclassified information, conducting foreign influence reporting, and addressing other issues at the institution associated with the goals of the policy framework.

The bill authorizes the governing board of a university system to designate a person to serve as a research security officer in an institutional or system-wide capacity and requires a person designated to serve as a research security officer to attend the annual academic security and counter exploitation program seminar offered by Texas A&M University.

Implementation: Institutions will need to work with UT System's Research Security Officer on their policy frameworks for research security. Institutions will also need to designate a research security officer. Timeline, as soon as practicable.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs, Vice President for Research

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DROPOUT RECOVERY PROGRAMS

SB 1647 - Parker - Relating to dropout recovery education programs.

SB 1647 amends the Education Code to include open-enrollment charter schools in addition to public school districts to use public/private community-based dropout recovery programs for students at risk of dropping out of school. Education management organizations may be utilized to provide alternative education programs for at risk students. Requirements for administering alternative program instruction are outlined with specific requirements for in-person, remote, or hybrid instruction. Students who successfully complete courses offered through dropout recovery education programs are included in the computation of the district's or school's average daily attendance for funding purposes. This Act applies starting from the 2023-2024 school year.

Implementation: Institution charter schools should evaluate their current dropout recovery programs and consider implementing or expanding private or public community-based programs that can be delivered in person, remotely, or in a hybrid format (Subsection (e), Section 29.081). Programs must fulfill requirements detailed in Subsections (e-1) for in-person and (e-2) for remote or hybrid programs. The programs should include credentials, certifications, or other offerings that directly relate to state employment opportunities, include academic coaches for students, and adhere to commissioner-set standards of performance and progress (Subsection (e-2)).

Additionally, institution charter schools will need to update hiring procedures to ensure faculty and administrators have required qualifications (Subsections (e-1)(2), (e-2)(2)). Furthermore, they should develop systems for referring students at risk of dropping out to these programs (Subsection (e-5)) and publishing annual reports on the school's website about the programs' measurable outcomes (Subsection (e-6)). Charter schools should also note that testing schedules for these programs are flexible (Subsection (c-10), Section 39.023).

Effective Date: 09/01/2023

Responsible Party: Institution charter schools

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SUNSET REVIEW

SB 1659 – Schwertner - Relating to the sunset review process and certain governmental entities subject to that process.

SB 1659 modifies the sunset dates for several state agencies and entities, effectively extending their operational timelines by two or four years. This means these agencies will be reviewed to determine if they should continue, be modified, or be abolished. Institutions should note the extension of the “Texas Education Agency” and the “Texas Higher Education Coordinating Board” to 2029, and the "Prepaid Higher Education Tuition Board" and the “Teacher Retirement System of Texas” to 2035. All institutions should be vigilant as the 2035 sunset date approaches to ensure they remain in step with legislative requirements and potential reviews.

Implementation: NA

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TRANSFER

SB 1887 – West - Relating to the requirements for the early college education program and the transfer of course credit among public institutions of higher education.

SB 25, passed by the 86th Texas Legislature, made significant reforms to the process and protections available to students for understanding how their credits will apply when they transfer from a community college to a general academic teaching institution. SB 1887 seeks to build on these reforms and reflect best practices by revising provisions relating to fields of study curricula and the transferability of credits earned by students in early college education programs and by revising certain dispute resolution procedures relating to the transfer of credit, among other provisions.

Implementation: Institutions should review and assess their existing infrastructure to support the changes related to the early college education program and the expanded grade levels.

- Begin negotiations for articulation agreements with relevant institutions as prescribed by the bill.
- Update and streamline their course credit reporting and transfer processes.
- Reevaluate degree and certificate programs to ensure alignment with the clarified definitions.
- Ensure proper protocols are in place for recognizing transferred core curriculums.
- Update course offerings and communication strategies considering the field of study curriculum changes.
- Train administrative staff on the new dispute resolution process regarding course credit transfers.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill expressly grants rulemaking authority to the Texas Higher Education Coordinating Board.

ADULT HIGH SCHOOL CHARTER SCHOOL PROGRAMS

SB 2032 – Creighton - Relating to adult high school charter school programs.

SB 2032 modifies the definition of "adult education" and introduces a term, "eligible entity", to describe entities that can provide adult education services. Eligible entities can now encompass a broader range, including nonprofits, school districts, and academic institutions. Such entities can apply to the commissioner of education for a charter to operate adult education programs. The application process is outlined, with a timeline for commissioner response. The bill clarifies the criteria for charter eligibility, emphasizing prior success in providing educational services to marginalized adults. Furthermore, provisions detail funding, partnerships, revocation criteria, and the capacity for accepting gifts, grants, or donations.

Implementation: Institutions can consider applying for a charter to provide adult education services. If they pursue this path, institutions will need to ensure that they or their executive leadership have a track record of successfully delivering educational services to marginalized adults. Moreover, potential partnerships can be established with public junior colleges or entities approved by the Texas Workforce Commission to enhance career and technology courses leading to industry certifications.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

OPPORTUNITY HIGH SCHOOL DIPLOMA

SB 2139 - Parker - Relating to the establishment of the Opportunity High School Diploma program.

SB 2139 authorizes the Texas Higher Education Coordinating Board (THECB) to establish the Opportunity High School Diploma Program (OHSDP) in up to five public junior colleges as an alternative pathway for adult students enrolled in a workforce education program to earn a high school diploma. The program would allow students to simultaneously enroll in a competency-based education program, allowing them to earn a high school diploma. The program would be administered by THECB in consultation with the Texas Education Agency and the Texas Workforce Commission.

Implementation: No impact. This applies to public junior colleges.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

UT BUREAU OF ECONOMIC GEOLOGY STUDY

SB 2196 - Hancock - Relating to the identification and mapping of aggregate production operations by The University of Texas Bureau of Economic Geology.

SB 2196 amends the Education Code to require the University of Texas Bureau of Economic Geology to conduct a study that will identify suitable location for aggregate production operations and assess existing land use or planning policies that conflict with the study's findings. The bureau must submit a report to the legislature by December 1, 2025.

Implementation: The UT Bureau of Economic Geology shall conduct a comprehensive study to identify locations suitable for aggregate production operations in the state that considers the availability of resources, environmental impact, and infrastructure. This will require the bureau to coordinate with the Texas Commission on Environmental Quality and the Texas Water Development Board. Collaboration with political subdivisions will be key in analyzing existing land use, zoning, and planning policies of political subdivisions to identify conflicts with aggregate production operations. The bureau shall develop/maintain a database that maps identified locations suitable for aggregate production operations, and includes up-to-date information on the geographic coordinates, characteristics, and other details of locations; being made available to political subdivisions. By December 1, 2025, the University of Texas Bureau of Economic Geology must submit a comprehensive report to the legislature summarizing its findings, including maps that identify locations as aggregate production operations, and provide legislative recommendations.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TX FIRST EARLY HIGH SCHOOL COMPLETION PROGRAM/ SCHOLARSHIP

SB 2294 - Creighton - Relating to the Texas First Early High School Completion Program and the Texas First Scholarship Program.

SB 2294 aims to expand access to the Texas First Early High School Completion Program and the Texas First Scholarship by changing program eligibility requirements. The bill removes the requirement for eligible institutions to be research or emerging research universities and instead defines "Eligible Institution" as any institution of higher education as per Section 61.003 in the Education Code. Thus, authorizing students who complete the Texas First Early High School Completion program to obtain the Texas First Scholarship to enroll in a general academic teaching institution.

Implementation: Institutions should be prepared to coordinate with the Texas Higher Education Coordinating Board (THECB) to obtain students certificates indicating the amount of state credit awarded by THECB and apply those credits accordingly to the recipient’s tuition, mandatory fees, and other costs of attendance for the enrollment period.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TOP 10%

[SB 2538](#) - Creighton - Relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.

The Supreme Court of the United States released a ruling this summer that results in the elimination of the consideration of race in admissions holistic review. This decision would trigger a provision in the Texas law nullifying the current 75 percent cap in automatic admissions granted to UT Austin in 2009. SB 2538 addresses this issue by repealing a statute relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions to allow UT Austin to maintain its current admissions system with the 75 percent enrollment cap.

Implementation: Institutions should ensure that their policies comply with the removal of Section 51.803(k) of the Education Code.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

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Health Affairs

MEDICAID EXPANSION FOLLOWING A PREGNANCY

HB 12 – Rose - Relating to the duration of services provided under Medicaid to women following a pregnancy.

To address the issue of maternal death HB 12 expands Medicaid coverage for mothers whose pregnancies ended in the delivery of a child or in the natural loss of a child for an additional 12 months beginning on the last day of a woman’s pregnancy and ending on the last day of the month in which the 12-month period ends. As soon as practical the executive commissioner of the Health and Human Services Commission shall seek an amendment to the state’s Medicaid state plan from the appropriate federal agency to implement this Act.

Implementation: Health-related institutions should be informed on the extended Medicaid coverage for women post-pregnancy and adjusting their internal procedures accordingly. These adjustments may involve updating health services, particularly those provided to pregnant students or staff, to ensure they align with extended Medicaid coverages.

Effective date: 09/1/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

IMPORTATION OF PRESCRIPTION DRUGS

HB 25 – Talarico - Relating to wholesale importation of prescription drugs in this state; authorizing a fee.

HB 25 authorizes the establishment of a wholesale prescription drug importation program for resale to Texas residents, establishing definitions as well as implementation and other requirements. The bill aims to lower prescription drug costs by establishing a state-controlled importation program (Chapter 444, Health and Safety Code) which contracts with wholesalers and Canadian suppliers, and mandates registration processes for health benefit plan issuers, health care providers, and pharmacies to obtain and dispense imported drugs (Sec. 444.002).

Implementation: Health-related institutions must be aware of the changes in the cost of prescription drugs and adjust their healthcare policies accordingly. They also need to ensure their pharmacies or healthcare providers are compliant with the program's rules if participating in it. Additionally, health-related institutions should be aware of any amendments to Medicaid or other health benefit plans related to the imported drugs' cost and accessibility.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

VACCINE EXEMPTIONS

HB 44 - Swanson - Relating to provider discrimination against a Medicaid recipient or child health plan program enrollee based on immunization status.

HB 44 prohibits healthcare providers participating in Medicaid or the child health plan program from refusing health care services to recipients/enrollees based on their refusal or failure to obtain a vaccine or immunization for a specific infectious disease. However, providers may adopt a policy requiring immunizations for their patients, including Medicaid recipients or child health plan program enrollees. Creating such policies requires that the provider offer exemptions to patients who request them based on reasons of conscience, including sincerely held religious beliefs, or recognized medical conditions that contraindicate vaccination or immunization. The Texas Health and Human Services Commission may not reimburse providers who violate this section unless they are in compliance. The section does not apply to specialists in oncology or organ transplant services. The executive commissioner has the authority to establish rules for implementing this section, including the right for providers to seek administrative and judicial review of alleged violations.

Implementation: Health-related institutions participating in Medicaid, or the child health plan program must ensure they do not discriminate against recipients or enrollees based on their immunization status. In case of any policy requiring vaccination for health care services, exemption procedures need to be established for patients who object due to conscience or recognized medical conditions.

Effective date: 09/1/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

HHS INVESTIGATION RECORDS AND THE RELEASE OF MEDICAL RECORDS

HB 49 - Klick - Relating to public access to certain hospital investigation information and materials.

HB 49 amends the Health and Safety Code to require the Health and Human Services Commission to make publicly available information regarding complaints, inspections, and investigations of Texas hospitals and licensed mental hospitals. This information must be made available of the commission's website for at least two years, provided that personally identifiable information of patients or health care providers is omitted. The bill clarifies that hospitals and licensed mental hospitals can release medical records under certain circumstances. The changes made by this Act will only apply to investigations finalized on or after September 1, 2023.

Implementation: The Health and Human Services Commission (HHS) should ensure compliance with disclosure requirements and set up procedures to post necessary information on their internet website within the specified timeframe. Hospitals and mental hospitals may release medical records to a patient mentioned in the records, the parent/guardian of a minor or incapacitated patient, or a representative of a deceased patient.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs, Office of General Counsel

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DFPS REPORTING AND INVESTIGATION PROCEDURES

HB 63 - Sparks - Relating to reports of child abuse or neglect and certain preliminary investigations of those reports.

HB 63 aims to streamline the investigative and reporting processes of the Texas Department of Family and Protective Services (DFPS) and Child Protective Services (CPS) by amending the Family Code to no longer accept anonymous reporting and set new guidelines regarding access to the identity of an individual making a report. Individuals making a report must provide specific information about the child, the alleged abuse/neglect, and their own identity. DFPS officials must inform reporters that their identity will remain confidential subject to disclosure for the purposes of conducting a criminal investigation of the reporter. Reporters must be notified that oral reports made to the department or local or state law enforcement agencies will be recorded subject to punishment as a criminal offense if the individual is proven to have made a false report. A DFPS representative shall provide to a parent or other person having legal custody of a child who is under investigation information regarding the representative, and a summary containing all necessary information of the investigation provided that the guardian has a reasonable amount of time to read/review the summary.

Implementation: Health professionals in UT System clinical facilities should be aware of the new reporting processes.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs, Office of General Counsel

Rulemaking authority: Rulemaking authority is expressly granted to the Department of Family and Protective Services.

RECATAGORIZING COMMUNITY HEALTH WORKERS AS QUALITY IMPROVEMENT COSTS

HB 113 - Ortega - Relating to the use of community health workers in Medicaid managed care.

HB 113 requires the Health and Human Services Commission to authorize Medicaid managed care organizations providing services under the STAR Medicaid managed care program to categorize services provided by a community health worker as a quality improvement cost rather than an administrative expense. Ensure that all Medicaid managed care organizations participating in the STAR Medicaid managed care program are informed of the updated categorization for services performed by community health workers. Develop a process through which these organizations can report and monitor community health workers' services, classifying them as quality improvement costs rather than administrative expenses. The effects of these modifications should be evaluated on the overall quality of health care services delivered by community health workers under the STAR Medicaid managed care program.

Implementation: UT System clinical operations should be aware of these changes.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PSYCHIATRIC SPECIALTY INNOVATION GRANT PROGRAM AND BEHAVIORAL HEALTH INNOVATION GRANT PROGRAM

HB 400 - Klick - Relating to innovation grant programs to support residency training programs in psychiatric specialty fields and recruitment, training, and retention programs in behavioral health fields.

HB 400 authorizes the Texas Higher Education Coordinating Board (THECB) to establish and administer the Psychiatric Specialty Innovation Grant Program and the Behavioral Health Innovation Grant Program to address the shortage of mental health professionals and increase the of physicians specializing in pediatric or adult psychiatric care.

Psychiatric Specialty Innovation Grant Program:

This program aims to incentivize medical schools to create innovative residency training programs for physicians specializing in pediatric or adult psychiatric care. THECB will award grants to eligible medical schools based on their proposed programs. Sixty percent of grants will go towards programs for pediatric psychiatric care and forty percent will go to programs for adult psychiatric care. Medical schools located in rural or underserved areas will receive priority. The maximum grant amount is one-million-dollars, and schools receiving grants must submit annual reports on how the funds were used.

Behavioral Health Innovation Grant Program:

This program aims to increase the behavioral health workforce by providing incentive payments to institutions of higher education that implement innovative recruitment, training, and retention programs

for mental health professionals and related fields. Priority will be given to applicants that enhance existing degree programs, serve rural or underserved areas, partner with other institutions or schools, incentivize professionals to work in behavioral health facilities, or focus on specialties facing workforce shortages. The maximum grant amount is one-million-dollars, and recipient institutions must submit annual reports on fund usage.

Implementation: Institutions aiming to receive THECB grants should evaluate the institution's capacity to design and implement innovative recruitment, training, and retention programs that address the needs of the behavioral health workforce in Texas. Applications should also demonstrate how the program addresses the specific workforce needs in the state, particularly in underserved or rural areas and highlight any partnerships with other institutions, public schools, or organizations that strengthen the program's effectiveness. Finally, a comprehensive budget plan must outline how grant funds will be utilized considering the maximum grant amount of one-million-dollars.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board.

INTERAGENCY AGING SERVICE COORDINATING COUNCIL

HB 728 - Rose - Relating to the statewide interagency aging services coordinating council.

HB 728 establishes the Statewide Interagency Aging Services Coordinating Council that aims to create a statewide approach to interagency aging services. The council will include representatives appointed by various agencies and entities involved in aging services. Such agencies will appoint their representatives by January 31, 2024, and hold their initial meeting by March 31, 2024. The council's responsibilities include developing a recurring five-year statewide interagency aging services strategic plan, submitting biennial expenditure proposals to the legislature, publishing an annual inventory of state-funded aging programs, and facilitating collaboration for effective use of federal and state funds for aging services. By March 1, 2025, the council is required to submit the initial five-year statewide interagency aging services strategic plan. The council operates under a five-year strategic planning cycle and is subject to review under the Texas Sunset Act.

Implementation: The Barshop Institute for Longevity and Aging Studies at The University of Texas Health Science Center at San Antonio, and the Texas Aging and Longevity Consortium at The University of Texas at Austin shall each appoint a representative by January 31, 2024, to the council.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs, Office of Academic Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

LSSP LOAN REPAYMENT PROGRAM

HB 1211 – Guillen - Relating to financial assistance, including repayment of loans, for certain students attending postsecondary educational institutions.

The Texas Education Agency has identified a critical shortage of licensed specialists in school psychology (LSSPs). To alleviate the scarcity of LSSPs and improve mental health services and support for students in Texas schools H.B. 1211 amends the Education Code to expand of eligibility criteria for mental health professional education loan repayment programs, specifically to include LSSPs who were previously excluded. LSSPs are professionals with specialized expertise in delivering mental health and educational services within school settings. By extending financial aid opportunities to LSSPs, H.B. 1211 aims to attract and retain these professionals, ultimately addressing the shortage of LSSPs and enhancing the supply of mental health services to students in Texas schools.

Implementation: Health related institutions will need to accommodate mental health professionals who have completed between one and five years of service in shortage areas. Institutions must ensure these professionals are providing mental health services to certain recipients, including those in the medical assistance program, child health plan program, and persons in correctional facilities. Mental health professionals will need to be aware of and act in accordance with changes to definitions and eligibility requirements for financial assistance and loan repayment.

Effective date: 09/1/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressively granted to the Texas Higher Education Coordinating Board.

MEDICAID REIMBURSEMENT FOR CERTAIN MEDICATION-ASSISTED TREATMENTS FOR OPIOID OR SUBSTANCE USE DISORDER

HB 1357 - Holland - Relating to Medicaid reimbursement for certain medication-assisted treatments for opioid or substance use disorder.

HB 1357 aims to ensure that Medicaid reimbursement for certain medication-assisted treatments for opioid or substance use disorder permanent by repealing Section 32.03115(e) of the Human Resources Code to remove the program sunset date of August 31, 2023. State agencies are authorized to request waivers or authorizations from federal agencies if necessary for implementation.

Implementation: Prior to implementation of this Act, state agencies impacted must determine if a waiver or authorization from a federal agency is necessary for implementation. If required, it may postpone the implementation of the provision until the waiver or authorization is granted. This allows the state agency to comply with federal requirements before proceeding with implementation.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ELIGIBILITY CRITERIA FOR GRANTS PROVIDING MENTAL HEALTH SERVICES TO VETERANS

[HB 1457](#) - Rosenthal - Relating to required military informed care or military cultural competency training for certain personnel of entities that provide mental health services to veterans or veterans' families before award of a state agency grant.

To provide adequate mental health services to veterans HB 1457 requires that state agencies providing mental health services to veterans and their families adhere to new requirements to qualify for grant funding. The Government Code and the Health and Safety Code are amended to outline these new requirements for state agencies that provide mental health services to veterans or their families. Entities seeking grants must demonstrate either previously executing a grant from the respective agency or have provided training on military informed care or military cultural competency to their personnel. The bill designates specific organizations for providing military competency training. The Texas Veterans Commission and the Department of State Health Services will jointly verify that state agencies comply with these requirements.

Implementation: State agencies will need to evaluate entities based on their previous successful execution of a grant or having provided military informed care/military cultural competency training. Procedures should be established to verify whether state agencies abide to the specified criteria when awarding grants to eligible entities. The Texas Veterans Commission and the Department of State Health Services will develop policies and guidelines to ensure compliance with the new requirements.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SICKLE CELL DISEASE EDUCATION AND TASK FORCE

[HB 1488](#) - Rose - Relating to sickle cell disease health care improvement and the sickle cell task force.

HB 1488 aims to address disparities in sickle cell disease awareness by requiring the Health and Human Services Commission (HHS) to improve sickle cell disease treatment, education, and establishes a corresponding task force. HHS in collaboration with the task force shall promote timely, evidence-informed health care services for plan enrollees diagnosed with sickle cell disease, addressing sickle cell disease education for Medicaid providers, and utilize existing data to identify opportunities to improve health outcomes of recipients with sickle cell disease. The task force shall compile a report by December

1st of each year including policy recommendations and improvement proposals for sickle cell disease education for health care providers. The task force shall expire on August 31, 2035.

Implementation: Health-related institutions of higher education should be prepared to provide data they may have on sickle cell disease as the task force may request this information. Medical schools and graduate medical education programs offering residencies in emergency medicine, family medicine, internal medicine, obstetrics, or pediatrics must include education on sickle cell disease and sickle cell trait in their curriculum. Institutions can enter into agreements as needed for this purpose. The HHS commissioner will appoint one researcher from a public health-related or academic institution with experience addressing sickle cell disease and sickle cell trait. Additionally, the Texas Education Agency, in collaboration with sickle cell disease community-based organizations, is responsible for providing information on sickle cell disease and sickle cell trait to public school districts and their staff, including nurses, teachers, and coaches. Furthermore, HHS, in cooperation with the task force, will explore ways to enhance sickle cell disease education and awareness in public schools and make recommendations to the Texas Education Agency for improvement methods.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

MEDICAID CASE MANAGEMENT FOR THE CHILDREN AND PREGNANT WOMEN PROGRAM

HB 1575 - Hull - Relating to improving health outcomes for pregnant women under Medicaid and certain other public benefits programs.

HB 1575 authorizes Medicaid to provide case management services for nonmedical needs that can enhance the health outcomes for pregnant women and children through the Case Management for Children and Pregnant Women Program. The Health and Human Services Commission (HHS) shall adopt standardized screening questions to identify nonmedical health-related needs for pregnant women eligible for public benefits programs, including Medicaid and the Alternatives to Abortion Program (AAP). Care organizations managed through Medicaid and providers that participate in AAP must use the established screening questions with informed consent from pregnant women. HHS shall collect and summarize de-identified data from the screenings to provide reports to the legislature.

Implementation:

- Medicaid managed care organizations offering health services to pregnant women under the STAR Medicaid managed care program are required to conduct initial screenings for health/nonmedical health-related needs to determine eligibility for service coordination benefits.
- Having completed required training by HHS, only qualified providers including advanced practice nurses, registered nurses with specific qualifications, social workers, certified community health workers, and certified doulas may provide case management for The Children and Pregnant Women Program.

- Providers must submit collected data allowing HHS to compile a biennial report to the legislature.
- HHS shall establish separate provider types for community health workers and doulas who provide case management services under The Case Management for Children and Pregnant Women Program, allowing them to receive reimbursement under the medical assistance program.
- HHS is required to a status report on the implementation of case management services to include data on nonmedical health-related needs, referrals made, and birth outcomes.
- Implementation may be delayed if a state agency determines that a federal waiver or authorization is necessary for implementation.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HEALTH BENEFIT PLAN COVERAGE OF CLINICIAN-ADMINISTERED DRUGS.

HB 1647 – Harris, Cody - Relating to health benefit plan coverage of clinician-administered drugs.

Establishes prohibitions applicable to affected health benefit plans around limitations on coverage for clinician-administered drugs for patients with chronic, complex, rare, or life-threatening medical condition under certain circumstances.

Implementation: N/A for plans authorized under Chapter 1601.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HEALTH BENEFIT COVERAGE FOR FERTILITY PRESERVATION SERVICES

HB 1649 – Button - Relating to health benefit coverage for certain fertility preservation services and notice regarding certain risks of impaired fertility.

Requires coverage for certain fertility preservation services for members covered under affected health benefit plans and experiencing specific circumstances. Services required to be covered would be limited to standard procedures to preserve fertility that are consistent with established medical practices and professional guidelines published by the American Society of Clinical Oncology or the American Society for Reproductive Medicine.

Implementation: N/A for plans authorized under Chapter 1601.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

UT TYLER SCHOOL OF PHARMACY FUNDING

HB 1794 - Schaefer - Relating to funding for The University of Texas at Tyler's school of pharmacy.

University of Texas at Tyler's school of pharmacy currently funds its operational expenses through tuition and philanthropic efforts. To ensure the school can operate in a sustainable way to continue to meet critical health care needs of east Texas HB 1794 repeals Section 76.026(c) of the Education Code making the University of Texas at Tyler Fisch College of Pharmacy eligible to receive state formula funding established under Section 61.059 for instruction, operations, or infrastructure.

Implementation: The University of Texas at Tyler's school of pharmacy must adjust its budget planning and allocation processes to align with the changes in funding mechanisms as required by the bill.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HOSPITAL AT HOME PROGRAMS

HB 1890 - Jetton - Relating to the operation of a hospital at home program by certain hospitals; authorizing a fee.

In 2020 Medicaid established waivers linked to the COVID-19 pandemic that authorized the Hospital at Home Program (HHP) that allowed hospitals to provide acute hospital care services in a home setting, subject to expiration. HB 1890 provides regulations for HHP's to conditionally continue to operate under the "Acute Hospital Care at Home Waiver Program," established by the Centers for Medicare and Medicaid Services (CMS) or its successor program. To operate HHP's, a hospital must obtain approval from both CMS and the Health and Human Services Commission (HHS). HHS is responsible for setting minimum standards equivalent to CMS standards for the operation of hospital at home programs.

Implementation: Health Institutions aiming to operate an HHP program must apply for approval with the Centers for Medicare and Medicaid Services and HHS, requiring a fee as determined by HHS. Health institutions should ensure that they meet the minimum standards established for hospital at home programs. Hospitals may request a waiver or modification of certain provisions; HHS shall evaluate the request and determine whether the request is in the best interest of patients. The implementation should be

in compliance with existing federal and state regulations, ensuring that the hospital at home programs are well-regulated, safe, and provide high-quality care to patients in a home setting.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted the executive commissioner of the Health and Human Services Commission.

ADDRESS CONFIDENTIALITY PROTECTION FOR HEALTH RELATED INSTITUTION STAFF

HB 1911 - Burrows - Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

HB 1911 expands confidentiality protections for home address information in property tax appraisal records to current/former employees or contract staff members of a university health care provider at the Texas Department of Criminal Justice or the Texas Juvenile Justice Department, as well as to a current/former attorney for the Department of Family and Protective Services.

Implementation: UTMB should be aware of the expansion of confidentiality protections for former/current employees or contract staff members of a university health care provider at the Texas Department of Criminal Justice or the Texas Juvenile Justice Department.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs, UTMB

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TEXAS MEDICAL BOARD AUTHORITY AND ADMINISTRATION OF THE TEXAS PHYSICIAN HEALTH PROGRAM

HB 1998 - Hall - Relating to the regulation of physicians, the disciplinary authority of the Texas Medical Board, and the administration of the Texas Physician Health Program; increasing a criminal penalty; imposing a surcharge.

HB 1998 makes several amendments to the Occupations Code relating to medical licensing and regulation. The proposed changes include fee modifications for various licenses and permits, establishing surcharges for certain programs, implementing criminal record checks for license holders, updating reporting requirements for medical peer reviews, and making changes to the revocation and suspension of medical licenses in certain circumstances. Section 167.011 of the Occupations Code, which pertains to the Texas Physician Health Program surcharge is repealed.

Implementation: Health related institutions should remain informed in the following updated procedures for the Texas Medical Board and the Texas Physician Health Program.

- The surcharge for the Texas Physician Health Program (TPHP) shall not exceed \$15 for certain fees, including first registration permits and renewal of registration permits.
- The Texas Medical board will continuously update a physician's profile with new information related to disciplinary actions on the National Practitioner Data Bank.
- The Texas Medical Board create an expert physician panel for complaints and investigations related to medical competency.
- Texas medical license applicants may not obtain a license if they hold one that is currently restricted, canceled, revoked, or suspended for cause in another state or jurisdiction.
- Medical license holders are required to submit a complete set of fingerprints with their registration permit renewal application for a criminal record check conducted by the Department of Public Safety.
- Medical peer review committees or health care entities are required to report adverse actions that affect a physician's clinical privileges or membership in a professional society if the action is based on unprofessional conduct or incompetence likely to harm the public.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority of the Texas Medical Board is modified.

MENTAL HEALTH FIRST AID TRAINING PROGRAM

[HB 2059](#) - Price - Relating to mental health first aid training provided by local mental health authorities and local behavioral health authorities.

HB 2059 aims to expand the availability of mental health support by authorizing the Health and Human Services Commission (HHS) to establish a grant system to fund the Mental Health First Aid (MHFA) training program to ensure that various groups are professionally trained to act as mental health first aid responders. HHS will provide grants to local mental health authorities or local behavioral health authorities to contract with approved trainers. Such entities must submit plans for how grant funds will be utilized to offer MHFA training and the effectiveness of these programs. Rules established by HHS will ensure that approved trainers are qualified to provide training in areas such as risk factors, warning signs for mental illnesses, and appropriate interventions. Local mental health authorities or local behavioral health authorities are required to submit a report outlining the effectiveness of MHFS programs including the individuals trained and expenditure details to HHS prior to December 1st of each year to allow the commission to compile a report to the legislature.

Implementation: Institutions will be required to provide mental health training to their employees and contractors. Local mental health authorities or local behavioral health authorities are authorized to make grants to institutions of higher education to contract approved trainers to provide mental health first aid training programs to their staff personnel. Trainings should equip employees/contractors to recognize signs of mental health issues and provide appropriate support until the individual can access professional

care. Health-related institutions should submit their plans demonstrating their grant use by July 1st of each even-numbered year to HHS.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs, Office of Academic Affairs

Rulemaking authority: Rulemaking authority is granted to the Health and Human Services Commission.

EXPANDING STUDENT LOAN ASSISTANCE FOR MENTAL HEALTH PROFESSIONALS

HB 2100 – Price - Relating to eligibility requirements for student loan repayment assistance for certain mental health professionals.

To increase supply of public sector mental health professionals HB 2100 expands eligibility for the state’s repayment assistance program under Section 61.603 of the Education Code. Currently early-career mental health professionals practicing in a designated mental health professional shortage area are eligible for loan repayment assistance. HB 2100 would extend eligibility to mental health professionals who provide services either to patients in a state hospital or to individuals receiving community-based mental health services from a local mental health authority. These provisions apply only to a person who first establishes eligibility for loan repayment assistance on the basis of an application submitted on or after September 1, 2023, with the Texas Higher Education Coordinating Board.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

GENETIC DATA PROPERTY RIGHTS

HB 2545 - Capriglione - Relating to an individual's genetic data, including the use of that data by certain genetic testing companies for commercial purposes and the individual's property right in DNA; authorizing a civil penalty.

HB 2545 establishes property rights for individuals’ genetic data, providing Texans with control over their biological samples and genetic test results. The bill addresses the use of genetic data by “direct-to-consumer” genetic testing companies for commercial purposes. Direct-to-consumer genetic testing company is defined as an entity that either (A) provides genetic testing products or services directly to individuals as consumers, or (B) collects, uses, or analyzes genetic data resulting from a direct-to-consumer genetic testing product or service, which an individual, not a healthcare provider, provides to the company. Companies will be required to secure explicit consent from individuals for certain uses and disclosures, and establish comprehensive security measures to protect genetic data.

Implementation: No impact. Institutions of higher education or a private or independent institutions of higher education are explicitly exempt from the provisions of this chapter.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

MEDICAID HOME TELEMONTORING SERVICES

HB 2727 - Price - Relating to the provision of home telemonitoring services under Medicaid.

HB 2727 aims to improve patient health outcomes by leveraging home telemonitoring services under Medicaid to reduce healthcare costs and minimize statewide hospitalizations. Home telemonitoring services refer to remote monitoring of health data related to a patient, with the data being transmitted to a licensed support services agency, health center, clinic, or hospital. The bill stresses that patients whose conditions would benefit both clinically and economically from these services should be prioritized. It lists several conditions for eligibility, including but not limited to pregnancy, diabetes, heart disease, mental illness, cancer, and others. Risk factors that would make patients eligible are specified, such as multiple hospitalizations, frequent emergency room admissions, poor adherence to medication regimens, a risk of falls, and challenges in accessing care. The bill mandates that monitored information should be shared with the patient's physician and that the telemonitoring services should not duplicate disease management program services. Providers are required to establish a care plan that includes outcome measures for recipients of home telemonitoring services and share the plan with the recipient's physician. Telemonitoring services must also be provided for pediatric patients diagnosed with end-stage solid organ disease, organ transplant recipients, and those requiring mechanical ventilation. High-risk pregnancies shall require special attention pertaining to home telemonitoring services. The Health and Human Service Commission (HHS) needs to ensure that recipients of such services have access to clinically appropriate telemonitoring equipment, which would be subject to certain restrictions and authorization protocols. HHS may discontinue telemonitoring services if it determines that such services are not cost-effective or clinically effective. State agencies may request a waiver or authorization from a federal agency if required for implementation.

Implementation:

- Institutions will need to understand the new definition of "home telemonitoring service" and the criteria for Medicaid recipients who are eligible for these services, including those diagnosed with certain health conditions (like diabetes, cancer, heart disease, mental illness, etc.) and those exhibiting certain risk factors (like two or more hospitalizations in the prior 12-month period, frequent emergency room admissions, poor medication adherence, risk of falls, or care access challenges).
- Institutions will need to ensure that they can provide home telemonitoring services that are clinically and cost-effective. Care plans will need to be established with outcome measures for each recipient, which should be shared with the recipient's physician. It's crucial to ensure that

these services do not duplicate disease management program services provided under Section 32.057, Human Resources Code.

- Institutions must ensure that clinical information gathered while providing home telemonitoring services is shared with the recipient's physician.
- Telemonitoring services must be made available to pediatric patients with specific conditions, including those diagnosed with end-stage solid organ disease, those who have received an organ transplant, or those requiring mechanical ventilation.
- Health-related institutions should note that the HHS will determine whether high-risk pregnancy is a condition for which home telemonitoring services are cost-effective and clinically effective. If it is determined to be so, recipients experiencing a high-risk pregnancy should be provided with clinically appropriate home telemonitoring services equipment for temporary use.
- HHS will require providers to obtain prior authorization before providing home telemonitoring services equipment to a recipient, and to provide documentation of the recipient's ongoing medical need for the equipment.
- If HHS determines it is cost-effective and clinically effective, HHS or a Medicaid managed care organization, as applicable, may reimburse providers for home telemonitoring services provided to persons who have conditions and exhibit risk factors other than those expressly authorized by this section.
- If a waiver or authorization from a federal agency is necessary for the implementation of any provision of this Act, the affected agency should request it and may delay implementing that provision until the waiver or authorization is granted.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

ADVANCED PRACTICE REGISTERED NURSES AUTHORITY OF GUARDIANSHIP PROCEEDINGS

HB 3009 - VanDeaver - Relating to the health care providers authorized to examine a person to determine whether the person is incapacitated for purposes of certain guardianship proceedings.

HB 3009 aims to expand the responsibilities and authority of Advanced Practice Registered Nurses (APRNs) as it pertains to guardianship proceedings. It broadens the definition of healthcare providers to encompass APRNs, allowing them to conduct examinations and provide written letters or certificates that attest to an individual's incapacity. This incapacity is a prerequisite for applying for guardianship. However, the APRN must act under the supervision and delegation of a licensed physician according to Chapter 157 of the Occupations Code. The document must encompass the nature, degree, and severity of the proposed ward's incapacity, including the impact of their current medication, their ability to make personal decisions, and operate a motor vehicle. The potential for improvement and the need for guardianship should also be assessed, along with the proposed ward's benefit from certain supports and services. The court may also appoint a physician or APRN to examine the proposed ward when necessary.

Implementation: The examining healthcare provider will be required to provide written documentation of an examination that was conducted within 120 days before the guardianship application is filed. The supervising physician will be required to sign the certificate/letter if an APRN conducts the examination. If deemed necessary by a court, a hearing will be held to determine the need for a physician's or APRN's examination. A written notice of the hearing should be provided to the proposed ward and their attorney ad litem at least four days before the hearing date. Additional documentation is required if the proposed ward's incapacity is due to intellectual disability.

The bill additionally sets conditions for using the physician's or APRN's certificate or letter to establish probable cause for the court investigation. An order for complete restoration of a ward's capacity or modification of a ward's guardianship cannot be granted unless a physician's or APRN's written letter or certificate is presented to the court, following the same timeline and supervision requirements.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HEALTHCARE LIABILITY PROTECTIONS FOR PROVIDERS OF PREGNANCY TREATMENTS

HB 3058 - Johnson - Relating to the provision of certain medical treatment to a pregnant woman by a physician or health care provider.

HB 3058 creates protections for physicians and health care providers from liability and disciplinary action when exercising reasonable medical judgment while providing treatment for specific pregnancy complications such as ectopic pregnancies and previable premature ruptures of membranes, ensuring that such complications are on equal footing with any other health care liability claim.

Implementation: Institutions should be aware that health care liability claims arising from complications due to ectopic pregnancies or previable premature ruptures of membranes must be treated as other health care liability claims under Section 74.552. Physicians or health care providers can exercise an affirmative defense in a civil action if they acted with reasonable medical judgment while providing treatment for these conditions. This affirmative defense also extends to pharmacists and pharmacies involved in processing or dispensing prescription drugs or medication orders in relation to the mentioned conditions. They can claim protection under Subsection (a) of Section 74.552. Institutions should not allow disciplinary action against a physician who, under Section 74.552, provided medical treatment to a pregnant woman while exercising reasonable medical judgment. Additionally, physicians and healthcare providers must be made aware that under Section 9.35, they are justified in providing medical treatments to pregnant women for the mentioned conditions using reasonable medical judgment.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DO NOT RESUSCITATE ORDERS AND CONSENT PROCEDURES FOR MEDICAL TREATMENTS

HB 3162 – Klick - Relating to advance directives, do-not-resuscitate orders, and health care treatment decisions made by or on behalf of certain patients, including a review of directives and decisions.

HB 3162 amends various sections of the Health and Safety Code, primarily related to Do Not Resuscitate (DNR) orders, consent procedures for medical treatment, and legal enforcement.

Requirements to revoke DNR Orders: HB 3162 issues strict criteria for revoking a DNR order, particularly focusing on the patient's mental or physical condition and requiring agreement between the attending physician and the person responsible for the patient's health care decisions. Additional agreement from an uninvolved physician or an ethics committee representative is mandated.

Information and Disagreement Procedures for DNR: The bill requires the physician, health care facility, or hospital to inform involved parties of the benefits and burdens of cardiopulmonary resuscitation (CPR) and make efforts to transfer the patient if a disagreement over the execution of a DNR order remains unresolved.

Enforcement and Offenses Related to DNR Orders: Revisions provide specific offenses and corresponding penalties for intentionally concealing, canceling, or falsifying DNR orders. Review and disciplinary actions by licensing authorities for intentional failures or violations are also detailed.

Consent Procedures for Medical Treatment: The bill address procedures for medical treatment consent on behalf of incapacitated or otherwise incapable adult patients. An ordered list of individuals is outlined for potential decision-making, including provisions for another uninvolved physician to concur with the treatment if no other surrogate is available.

Implementation: Implementation must include a comprehensive review of existing protocols regarding the revocation and execution of DNR orders, information disclosure to patients and authorized representatives, consent procedures for medical treatment on behalf of incapacitated patients, and associated enforcement measures. Health-related institutions will need to develop or update training programs for medical staff to ensure clear understanding and adherence to the newly defined legal and ethical standards.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs, Office of General Counsel

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

NETWORK ADEQUACY STANDARDS FOR PREFERRED PROVIDER BENEFITS PLAN

HB 3359 – Bonnen - Relating to network adequacy standards and other requirements for preferred provider benefit plans.

Substantially updates provisions around network adequacy (including specific maximum travel time and distance standards by specialty and maximum appointment wait times) and preferred provider contracting. Requests for waivers from any network adequacy standard would require a public hearing by the insurance commissioner to determine whether there is good cause for the waiver.

Implementation: Not directly applicable. No direct action required beyond verifying TPA is aware of provisions and requesting info about potential impact to UT plans.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

STATEWIDE ALL PAYOR CLAIMS DATABASE

HB 3414 - Hancock - Relating to the statewide all payor claims database.

HB 3414 aims to enhance the structure and function of the statewide all payor claims database. It provides a comprehensive definition of a "Payor", which includes insurance companies, health maintenance organizations, state Medicaid programs, and other entities providing health or dental insurance. The bill also amends the composition of the advisory group overseeing the claims database, adding a member representing an institution of higher education, serving a term of one year.

The type of data that the Center for Healthcare Data at The University of Texas Health Science Center at Houston may require from a payor is clarified and how information accessible through the portal should be segmented, aggregated, and de-identified. The application procedures for entities to apply for access to the database are outlined and include detailed requirements for their application. Confidentiality protections and usage guidelines for the data in the database are outlined. Reporting requirements are expanded to the legislature and adds that implementation is contingent on funding from the legislature.

Implementation:

- Institutions should be aware of the expanded definition of "Payor" and how to handle and protect sensitive data.
- A member from an institution of higher education will be added to the advisory group, and the process for their nomination and appointment should be clarified.
- Policies around data collection need to be updated to ensure payors are providing the right data and that all data is segmented, aggregated, and anonymized as per the bill's requirements.
- An application process for entities seeking access to the database needs to be established. This should include clear instructions and criteria for application review and approval.

- Reporting mechanisms need to be established to ensure timely and accurate reports are sent to the legislature as per the bill's requirements.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs, Office of Employee Benefits, UT Health

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PACKAGING REQUIREMENTS FOR DONATED PRESCRIPTION DRUGS

HB 4166 - Klick - Relating to the packaging requirements for certain donated prescription drugs.

HB 4166 amends the Health and Safety Code as it pertains to the packaging requirements for donated prescription drugs. Donated prescription drugs can only be accepted or dispensed if it is in its original, unopened, sealed, and tamper-evident packaging. In the case of drugs that are packaged in single unit doses, they may be accepted and dispensed even if the outside packaging is opened as long as the single unit-dose packaging remains unopened.

Implementation: Institutions should update their policies regarding the acceptance and dispensing of donated prescription drugs to reflect the new legislative requirements. Potential donors should be informed about these new requirements.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PREVOCATIONAL SERVICES UNDER MEDICAID WAIVER PROGRAMS

HB 4169 - Price - Relating to providing prevocational or similar services under certain Medicaid waiver programs.

HB 4169 aims to incorporate prevocational services that prepare individuals for employment into certain Medicaid waiver programs, with the intention of helping recipients achieve competitive, integrated employment. It outlines procedures for obtaining federal authorization, setting reimbursement rates, and establishing performance standards for service providers.

Prevocational services are defined as those that prepare individuals for work, whether paid or unpaid, focusing on achieving generalized results rather than specific job tasks. These services are intended to assist recipients in obtaining competitive, integrated employment compensated at or above the local minimum wage, in line with state and federal laws. HB 4169 requires the Health and Human Services

Commission (HHS) to seek federal authorization to include prevocational services as part of long-term services and support programs under Medicaid waivers. If not granted, HHS is mandated to collaborate with stakeholders and federal agencies to establish a service similar to prevocational services that is authorized by federal law. Reimbursement rates are outlined for such services and may not exceed rates for individualized skills and socialization services, and these services must not exceed total allowable hours or costs if combined. Performance standards for providers of these services will be established, and compliance will be monitored.

Implementation: Institutions should assess their current capacity for prevocational services. They should align existing services to the bill's requirements or plan for the development of new ones. Institutions should stay informed of new performance standards set by the HHS commissioner and adjust their services accordingly. Financial considerations related to reimbursement rates under Medicaid waiver programs, should also be considered. Establishing a system to assess the efficacy of the prevocational services against the new performance standards is key.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

UNUSED PRESCRIPTION DRUG DONATIONS

HB 4331 - Klick - Relating to the donors of certain unused prescription drugs.

HB 4331 clarifies and expands the definition of "donor" with respect to unused prescription drugs. It now includes not just individuals, but also prescription drug manufacturers and healthcare facilities, including pharmacies. This will make it possible for these entities to donate unused prescription drugs to a participating provider. Recipients of these drugs must sign a form acknowledging the donor's care of the prescription drug and accepting any risk of accidental mishandling, in addition to releasing the donor, participating provider, and manufacturer from liability related to the prescription drug.

Implementation: Institutions should update their processes to reflect the expanded definition of a "donor" and requirements of recipient acknowledgment. Monitoring mechanism should be set up for compliance.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REDISTRIBUTION OF DONATED PREPACKAGED PRESCRIPTION DRUGS

HB 4332 - Klick - Relating to the redistribution of donated prepackaged prescription drugs.

HB 4332 amends the Health and Safety Code to allow participating providers to dispense donated prescription drugs that have been repackaged into prescription containers, unit-dose packaging, or multi-compartment containers. The prescription drugs must be clearly labeled with details such as the brand name, dosage, lot number, expiration date, and quantity. Providers are also required to maintain a detailed record of each dispensed prepackaged drug, including the name of the individual who prepackaged the drug and the pharmacist responsible for the prepackaging.

Implementation: Institutions should update requirements regarding the repackaging and relabeling of prescription drugs. Documentation systems should be updated to record new information requirements including the drug's name, amount in a given dose, lot number, expiration date, and quantity. Also ensure the record includes details of the individual who prepackaged the drug and the responsible pharmacist.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas State Board of Pharmacy.

MEDICAID COVERAGE AND REIMBURSEMENT FOR NON-OPIOID TREATMENTS

HB 4888 - Hefner - Relating to Medicaid coverage and reimbursement for non-opioid treatments.

HB 4888 amends the Human Resources Code to ensure that non-opioid treatments provided to a Medicaid recipient are covered and reimbursed. Hospitals that offer outpatient services are entitled to separate reimbursements for non-opioid treatments provided. Implementation may be contingent upon the acquisition of federal waivers or authorizations.

Implementation: Institutions should be informed on the inclusion of non-opioid treatments in Medicaid coverage and reimbursement. Reimbursement and billing procedures may need to be adjusted to account for non-opioid treatments, including the potential need for separate billing when these treatments are part of outpatient services.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

TEXAS PHARMACEUTICAL INITIATIVE

HB 4990 - Bonnen - Relating to the Texas Pharmaceutical Initiative and a governing board and advisory council for the initiative.

HB 4990 established the Texas Pharmaceutical Initiative, aimed at improving cost-effective access to medication and medical supplies for various populations including employees of public higher education systems, and people associated with the Employees Retirement System of Texas, the Teacher Retirement System of Texas, and the Texas Department of Criminal Justice. A governing board, appointed by the governor, will oversee the initiative, and an advisory council will be formed for guidance. The board will prepare and submit a business plan detailing the implementation of the initiative by October 1, 2024.

Implementation: Institutions will need to update their policies and practices to ensure the appropriate stakeholders benefit from this initiative.

The chancellor of The University of Texas System (or the chancellor's designee) and the chancellor of The Texas A&M University System (or the chancellor's designee) will be part of the Texas Pharmaceutical Initiative Advisory Council. Designate representatives will need to be appointed to contribute to the Advisory Council.

Institutions will likely need to work closely with the appointed governing board to supply data to help inform the board's policies, implementing procedures laid out by the board, and contributing to the development of the business plan.

Institutions will need to ensure any of their representatives on the board or advisory council, or any employees associated with the initiative, comply with the conflict-of-interest laws laid out in the bill. Depending on the specifics of the initiative's implementation, institutions might need to adapt to new networks of distribution, central service centers, or associated satellite distribution facilities.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

PROHIBITION OF MEDICAL PROCEDURES REGARDING GENDER TRANSITIONING, GENDER REASSIGNMENT, OR GENDER DYSPHORIA USING PUBLIC MONEY.

SB 14 - Campbell - Relating to prohibitions on the provision to certain children of procedures and treatments for gender transitioning, gender reassignment, or gender dysphoria and on the use of public money or public assistance to provide those procedures and treatments.

Establishes definitions, prohibits physicians or health care professionals from referring for or providing gender transitioning or gender reassignment procedures or treatments for any individual younger than 18 years of age, prohibits use of public money or state health plan reimbursement for services provided to a child that are prohibited by Section 161.702, Health and Safety Code (as added by bill), and establishes

authority for the attorney general to bring action to enforce the provisions of newly established Subchapter X, Chapter 161, Health and Safety Code.

Implementation: Requires coordination with TPA to ensure compliance with prohibition on reimbursement through any UT medical plan for certain medical services that will be prohibited under Section 161.702, Health and Safety Code, as of September 1, 2023.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

MENTAL HEALTH SERVICES PUBLIC REPORTING SYSTEM

SB 26 – Kolkhorst - Relating to local mental health authority and local behavioral health authority audits and mental and behavioral health reporting, services, and programs.

SB 26 establishes a public reporting system to track and display performance, outputs, and outcomes of Medicaid managed care programs providing mental health services. The detailed requirements require monthly postings of specific measures on the Department of State Health Services website. The bill defines responsibilities for local intellectual and developmental disability authorities and other related entities. Key outcome measures include factors such as inpatient psychiatric care diversion, quality of community-based mental health services, and more. The bill also includes provisions for requesting waivers. Health related institutions should align their practices with these requirements to ensure transparency and accountability in the delivery of mental health services.

Implementation: UT System will be directly impacted by the provisions of this bill, specifically regarding the public reporting system for Medicaid managed care programs that provide mental health services. Implementation must align with the standards set in the bill, including regular posting of performance, outputs, and outcome measures related to mental health services, as well as adherence to the guidelines outlined for local intellectual and developmental disability authorities. Compliance will require close collaboration with state agencies and may additionally require adjustments to current procedures to ensure alignment with the defined outcome measures. Health related institutions should conduct a comprehensive review and possible restructuring of existing reporting and service delivery systems.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

PROHIBITING COVID-19 PREVENTATIVE MEASURES

SB 29 – Birdwell - Relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

SB 29 prohibits certain coronavirus preventative measures including mask mandates, vaccine mandates, and closure mandates for private businesses and schools. The bill clarifies which entities may impose such preventative measures. Except in state supported living centers, facilities operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department, municipal or county jails, and **governmental entity-owned hospitals or health care facilities**, a governmental entity cannot enforce a mask mandate. Hospitals and health care facilities/clinics operated by or associated with an institution of higher education are subject to follow an applicable order or mandate rule. Governmental entities are prohibited from imposing vaccine mandates for COVID-19, except in cases where the prohibition conflicts with the final rule adopted by the Centers for Medicare and Medicaid Services, as published in the Federal Register. A government entity may not enforce a mandate that requires private businesses, public schools, open-enrollment charter schools, or private schools to close in order to prevent the spread of COVID-19.

Implementation: Institutions must review and adapt their existing COVID-19 preventive strategies. Imposing face-covering mandates is prohibited, except where conflicting with guidance from the Health and Human Services Commission or the Department of State Health Services.

To comply with Sec. 81B.003, institutions cannot mandate COVID-19 vaccinations. They must adjust their policies to be consistent with the Centers for Medicare and Medicaid Services' final rule published at 86 Fed. Reg. 61555 (November 5, 2021).

To comply with Sec. 81B.004, closure mandates to control the spread of COVID-19 is prohibited. Administrators must consider this when forming contingency plans for potential future outbreaks.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs and Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

THE DESIGNATION OF AN ESSENTIAL CAREGIVER

SB 52 - Zaffirini - Relating to the right of state hospital patients to designate an essential caregiver for in-person visitation.

SB 52 amends the Health and Safety Code pertaining to the rights of state hospital patients to appoint an "essential caregiver" for in-person visits. The definition of an essential caregiver includes family members, friends, guardians, or other individuals selected by the patient, the patient's guardian, or the patient's legally authorized representative. Patients or their designated representatives have the right to this selection, and state hospitals cannot prohibit such visitations. The bill details the minimum

requirements for these visits and outlines safety protocols for such interaction. Procedures for the revocation and replacement of an essential caregiver are outlined, a temporary suspension mechanism of caregiver visits in case of serious community health risk is provided, and it clarifies that an essential caregiver is not required to provide necessary care to the patient.

Implementation: Institutions should review and possibly amend existing patient visitation policies to incorporate the new right of patients to designate an essential caregiver.

Implementation may require additional resources for administrative tasks including documenting essential caregiver designations, managing visitation schedules, and monitoring adherence to safety protocols. Institutions might also need to establish and manage the proposed appeals process.

The bill specifies that safety protocols for essential caregivers cannot be more stringent than those for hospital staff. Therefore, institutions might need to review and potentially revise existing safety protocols to ensure they comply with this requirement.

The provision that allows for the temporary suspension of essential caregiver visits in certain situations would require institutions to monitor community health risks and adjust policies accordingly.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of General Council

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

PROHIBITION OF PATIENT DISCHARGE TO UNLICENSED GROUP-CENTERED FACILITIES

[SB 186](#) - Miles - Relating to the prohibited discharge of a patient to certain unlicensed or unpermitted group-centered facilities.

SB 186 amends the Health and Safety Code to restrict hospitals and other health facilities from discharging patients into group-centered facilities that do not have the appropriate licenses or permits. The bill restricts the discharge or release of patients to such facilities unless the operator of the facility holds a relevant license or permit as per state law. However, exceptions are made if no licensed facilities exist in the county or if the patient voluntarily chooses to reside in an unlicensed facility. Hospitals and other health facilities are absolved of liability for damages incurred post-discharge to a group-centered facility. Local health authorities are prohibited from issuing orders that conflict with this provision.

Implementation: Implementation will require health-related institutions to revise discharge procedures and establish new protocols for patient handoff.

Institutions will need to revise patient discharge procedures to align with the new regulations.

Institutions will need to establish a system to verify the licensure or permit status of group-centered facilities.

Processes to accurately document situations where a patient voluntarily chooses to be discharged to an unlicensed facility will need to be established.

Institutions may need to establish or modify existing communication protocols with group-centered facilities to streamline the transition of patients.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

WORKPLACE VIOLENCE PREVENTION IN HEALTH FACILITIES

SB 240 – Campbell - Relating to workplace violence prevention in certain health facilities.

SB 240 amends the Health and Safety Code to establish workplace violence prevention measures for health facilities. The bill defines relevant terms and mandates the creation of a workplace violence prevention committee within each qualifying facility. The committee is tasked with developing and implementing a comprehensive violence prevention plan, providing at least annual training for employees, establishing protocols for incident response and investigation, and facilitating the communication of this plan to all staff. The bill emphasizes the protection of employees from retaliation for reporting workplace violence and outlines disciplinary actions for violations of this Act.

Implementation: Health-related institutions should establish a workplace violence prevention committee and establish protocols for responding to incidents of violence, ensuring that these measures are implemented by September 1, 2024.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits (Lesley Ducran)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

RESPIRATORY DISTRESS TREATMENTS IN EDUCATIONAL INSTITUTIONS

SB 294 - Johnson - Relating to the use of epinephrine auto-injectors and medication designated for treatment of respiratory distress on public and private school campuses.

SB 294 aims to improve the management of medical emergencies related to anaphylaxis and respiratory distress on school campuses and institutions of higher education in Texas. The bill focuses on specifying the rules/regulations of the maintenance and administration of epinephrine auto-injectors and medication

for respiratory distress (such as asthma medicine) in educational institutions by amending the Education Code.

"Medication for respiratory distress" is defined as albuterol, levalbuterol, or another medication designated by the executive commissioner of the Health and Human Services Commission for the treatment of respiratory distress.

The advisory committee created by the commissioner of state health services will examine and review the administration of epinephrine auto-injectors and medication for respiratory distress on school campuses and institutions of higher education. The committee shall advise the commissioner on the storage/maintenance of epinephrine auto-injectors and medication for respiratory distress, training of school personnel and volunteers, and development of a plan for the presence of trained personnel on each campus.

Several subsections are amended and added to specify rules and requirements for the maintenance, administration, training, and storage of epinephrine auto-injectors and medication for respiratory distress.

The training responsibilities of school districts, open-enrollment charter schools, and private schools are expanded to include the administration of medication for respiratory distress. School personnel and school volunteers who are authorized and trained may administer medication for respiratory distress. Schools must report the administration of medication for respiratory distress to the school district, physician, and the commissioner of state health services within a specified period. If a school is not informed of a student's asthma diagnosis by the parent/guardian, the school must refer the student to their primary care provider on the same day and inform the parent/guardian. The referral should include symptoms, medication details, and any care instructions. If the student does not have a primary care provider, the parent/guardian must be provided with information to help them choose one.

Amendments clarify the prescription, standing order, and dispensing of epinephrine auto-injectors and medication for respiratory distress, and the requirement for providing written notice that informs parents/guardians of the implementation of policies related to epinephrine auto-injectors and medication for respiratory distress. Individuals who take action or fail to act in accordance with this are granted immunity from civil or criminal liability or disciplinary action.

Implementation: Institutions will need to develop rules for the storage, maintenance, administration, and training related to epinephrine auto-injectors and medication for respiratory distress and ensure compliance with the new requirements for educational institutions.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

PROHIBITION OF PRICE GOUGING BY MEDICAL STAFFING SERVICES

SB 401 - Kolkhorst - Relating to prices charged by a medical staffing services agency during certain designated public health disaster periods; providing a civil penalty.

SB 401 amends the Health and Safety Code to prohibit price gouging by medical staffing services during certain public health disaster periods, which could be triggered by a variety of incidents such as a chemical attack, biological incident, epidemic, or pandemic. This period begins either when the governor declares a state of disaster, when the president of the United States declares a state of disaster that includes an area of this state, or when such a disaster occurs, and ends 30 days after the disaster declaration expires or is terminated. The bill applies to agencies supplying specific healthcare professionals like physician assistants, surgical assistants, nurses, or nurse aides. These agencies are barred from charging exorbitant or excessive prices for their services during the defined periods. Violation of this regulation results in a civil penalty not exceeding \$10,000 for each violation and may also result in legal action from the attorney general's office. The act becomes effective from September 1, 2023, and applies to actions occurring after this date.

Implementation: Health-related institutions might need to reassess their contractual relationships with medical staffing services. It's important to note that the primary responsibility for compliance with SB 401 lies with the medical staffing agencies. The role of institutions is to ensure that they only engage with compliant agencies, particularly during the specified disaster periods.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CONTINUING EDUCATION REQUIREMENTS FOR PHYSICIANS

SB 415 - Paxton - Relating to continuing education requirements for physicians regarding the identification and assistance of trafficked persons.

SB 415 amends the Occupations Code pertaining to continuing education requirements for physicians. It mandates a minimum of one hour of continuing medical education on the identification and assistance of trafficked persons for physicians renewing their registration permits. This requirement must be fulfilled during the first renewal period following the issuance of a physician's initial registration permit, and at least once every third renewal period thereafter. The Texas Medical Board shall adopt rules for implementing this requirement, including establishing the content of and approval process for relevant courses. The legislation also includes sunset clauses for certain requirements to expire in September 2025 and January 2024 respectively.

Implementation: Health-related institutions employing physicians will need to ensure all physicians are aware of this new continuing education requirement and assist them in fulfilling it. This might involve coordinating with higher education institutions to provide access to approved courses, tracking compliance among their staff, and maintaining necessary documentation.

In developing continuing education offerings, institutions may need to adapt existing curriculum, and obtaining approval for such courses from the Texas Medical Board.

Institutions will need to implement policies and procedures to monitor compliance with these continuing education requirements.

Furthermore, all institutions will need to be mindful of the two expiration dates (September 2025 and January 2024) included in the bill and adjust their policies and procedures accordingly as those dates approach.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority previously granted to the Texas Medical Board.

MANDATED ITEMIZED BILL FOR HEALTH CARE SERVICES

SB 490 - Hughes - Relating to itemized billing for health care services and supplies provided by health care providers.

SB 490 amends the Health and Safety Code to mandate that health care providers supply patients with a written, itemized bill detailing the cost of each service after the delivery of health care services. The itemized bill must include a plain language description of each distinct service or supply, any billing codes submitted to a third party, amounts billed to and paid by the third party, and the amount due from the patient for each service and supply. The bill prohibits health care providers from pursuing debt collection against a patient unless they've complied with the requirements. The appropriate licensing authority will take disciplinary action against providers who violate these provisions.

Implementation: Institutions must understand how to draft itemized bills in plain language and provide detailed breakdowns of costs. Billing systems will need to be updated to ensure that itemized bills are produced as required, which may involve software updates or changes to IT infrastructure.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

MENTAL HEALTH INFO AND LOAN REPAYMENT FOR MENTAL HEALTH PROFESSIONALS/ STEM TEACHERS

[SB 532](#) - West - Relating to providing mental health services information to certain higher education students and to the repayment of certain higher education loans.

SB 532 aims to enhance mental health services in higher education and modifies terms for the repayment of specific higher education loans. Institutions of higher education are required to provide information about mental health services and suicide prevention to all entering student, rather than only full-time undergraduate students.

Eligibility requirements for mental health professionals seeking repayment assistance for education loans are revised. The required consecutive years of practice in a mental health professional shortage area is reduced to one, two, or three years. The bill also amends loan repayment assistance for those teaching mathematics or science in public schools. The eligibility criteria now include a broader set of public schools, not just those receiving federal Title I funding.

Implementation: Implementation will involve two primary areas: mental health services information for students and changes to loan repayment assistance for mental health professionals and those teaching mathematics or science in public schools.

Mental Health Services Information for Students:

Section 1 expands the student population that should receive information about available from full-time undergraduate students to all undergraduate, graduate, or professional students, including transfers. Institutions will need to ensure mental health and suicide prevention services are adequately communicated to all students, not limited to paper format, and must include campus map identifying the locations where these services are provided. If institutions offer campus tours during on-campus orientation, these locations must be identified. Therefore, institutions may need to revise their student onboarding procedures, orientation programming, and associated materials.

Loan Repayment Assistance should not affect UT institutions.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority previously granted to the Texas Higher Education Coordinating Board.

TRAINING REGARDING OPIOID-RELATED MATTERS

[SB 629](#) – Menendez - Relating to the maintenance, administration, and disposal of opioid antagonists on public and private school campuses and to the permissible uses of money appropriated to a state agency from the opioid abatement account.

SB 629 lays out provisions to address the opioid crisis within Texas education systems and communities. The bill mandates formal training on opioid-related matters for school districts, open-enrollment charter

schools, and private schools. It also allows physicians to prescribe opioid antagonists to these educational institutions and outlines a framework for maintaining, administering, and disposing of opioid antagonists. Additionally, the bill outlines immunity from liability for good faith actions under this subchapter. It authorizes funding for various opioid prevention, treatment, and reduction programs, including access to FDA-approved medications, supporting efforts to reduce prescription medication abuse, and enhancing treatment alternatives in rural areas. Rules related to training and implementation must be adopted by November 1, 2023, with compliance required by school districts before January 1, 2024.

Implementation: Institution charter schools will need to take coordinated action to align with the provisions of the bill. This could include providing educational resources or medical expertise related to opioid prevention, treatment, or training, as well as participating in the opioid abatement programs specified in the bill. Since the legislation allows for collaboration with healthcare providers, including universities, the University of Texas system may be involved in prescribing, maintaining, and administering opioid antagonists or in supporting opioid-related educational and prevention programs. Rules related to the bill's implementation must be adopted by November 1, 2023, and school district compliance is required by January 1, 2024. This will require evaluation to ensure compliance and effective collaboration with relevant educational and healthcare entities in the state.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Institution charter schools

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission, and the commissioner of education.

MEDICAL FREEDOM ACT EXPANADING “RIGHT TO TRY ACT” FRAMEWORK

SB 773 - Parker - Relating to access to certain investigational drugs, biological products, and devices used in clinical trials by patients with severe chronic diseases.

SB 773 creates the "Medical Freedom Act" that focuses on broadening the accessibility of investigational treatments for patients battling severe chronic diseases. The bill expands the framework of the "Right to Try Act", which has been applied for terminal illness patients, to include those patients with severe chronic diseases. It sets out that those patients should have the right to access and utilize investigational drugs, biological products, or devices, which have completed phase one of a clinical trial but not yet received full approval by the United States Food and Drug Administration (FDA). Patient autonomy is emphasized in choosing such treatments, in consultation with their physicians. The bill also includes provisions protecting manufacturers and physicians from legal repercussions connected to the use of such treatments.

Implementation: Institutions may need to create a structured process for patients and their physicians to request access to investigational drugs, biological products, or devices. Additionally, training may need to be provided to physicians and other healthcare staff on the new processes, including how to evaluate a patient's eligibility, how to handle informed consent, and how to monitor patient outcomes following the use of these investigational treatments. The specifics of implementation will be dependent on the regulations developed by the executive commissioner of the Health and Human Services Commission and the commissioner of state health services.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

TEXAS CHILD MENTAL HEALTH CARE CONSORTIUM

SB 850 - Blanco - Relating to the Texas Child Mental Health Care Consortium.

Adds a representative of a rural Education Service Center (ESC) to the Consortium's Executive Committee.

Implementation: The Consortium will vote to add a new member per the legislation.

Effective Date: 09/01/2023

Responsible Party: Texas Child Mental Health Care Consortium

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

OPIOID ANTAGONIST PROGRAM

SB 867 - West - Relating to the recipients of opioid antagonists under the opioid antagonist program.

SB 867 amends the Health and Safety Code relating to the recipients of opioid antagonists under the opioid antagonist program. The main change is that institutions of higher education are now included as entities that can receive opioid antagonists from the executive commissioner of the Health and Human Services Commission. Opioid antagonists are typically medications used to reverse the effects of an opioid overdose and are crucial in life-threatening situations. The amendment expands the distribution of these life-saving drugs to a broader set of institutions and individuals who may be positioned to respond to an opioid overdose.

Implementation: Institutions will have the added responsibility and necessary preparedness to respond to potential opioid overdoses and are now explicitly recipients of opioid antagonists. This role may extend beyond their traditional remit, possibly adding an additional layer to operations responsibilities. Training will be necessary to ensure that key personnel can properly administer opioid antagonists.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HEALTH BENEFIT PLAN COVERAGE FOR BIOMARKER TESTING

SB 989 – Huffman - Relating to health benefit plan coverage for certain biomarker testing.

Requires that affected health benefit plans provide coverage in certain circumstances for biomarker testing for the purpose of diagnosis, treatment, appropriate management, or ongoing monitoring of an enrollee's disease or condition to guide treatment when the test is supported by medical and scientific evidence. Coverage would be required only when use of biomarker testing provides clinical utility because use of the test for the condition: (1) is evidence-based; (2) is scientifically valid; (3) is outcome focused; and (4) predominately addresses the acute issue for which the test is being ordered, except that a test may include some information that cannot be immediately used in the formulation of a clinical decision.

Implementation: Already in compliance. Review with Third Party Administrator (TPA) to ensure awareness of all provisions and verify whether any updates needed to remain in compliance effective beginning September 1, 2024.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DISCLOSURE REQUIREMENTS FOR HEALTH CARE PROVIDER DIRECTORIES

SB 1003 – Smithee - Relating to disclosure requirements for health care provider directories maintained by certain health benefit plan issuers.

Expands the definition of “facility-based physician” in relation to provider directory requirements to “facility-based physician or provider” which (in addition to existing specialties) would include anesthesiologist assistants, nurse anesthetists, nurse midwives, surgical assistants, physical therapists, occupational therapists, speech-language pathologists, and any other specialty identified by commissioner rule.

Implementation: Not directly applicable. No direct action required beyond verifying TPA is aware of provisions.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HEALTH BENEFIT PLAN COVERAGE FOR ORGAN TRANSPLANT HAVING PARTICIPATED IN ORGAN HARVESTING

SB 1040 – Kolkhorst - Relating to health benefit plan coverage of a transplant of an organ that originated from or is transplanted in a country known to have participated in organ harvesting.

Prohibits affected plans from covering a human organ transplant under certain conditions in relation to countries known to have participated in organ harvesting (including China and other countries as designated by the commissioner of state health services).

Implementation: Broadly applicable, including for plans authorized under Chapter 1601. Coordination with TPA required to ensure compliance by September 1, 2024.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TRANSPORTATION OF FEMALE INMATES FOR NONEMERGENCY MEDICAL CARE

SB 1146 - West - Relating to the medical transportation and care for certain inmates in the Texas Department of Criminal Justice.

This act pertains to the medical transportation and care of certain inmates within the Texas Department of Criminal Justice. The bill proposes two key additions to Subchapter B, Chapter 501 of the Government Code: Section 501.0515 outlines the requirements for transporting female inmates for nonemergency medical care to specific facilities, including The University of Texas Medical Branch at Galveston, ensuring prisoner rights, adequate supplies, and nutrition during transportation. Section 501.071 focuses on expanding access to telemedicine, telehealth, and on-site medical care for inmates in collaboration with The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center. The Department of Criminal Justice is mandated to establish the procedures by December 1, 2023, and to submit a progress report to the legislature by December 1, 2024.

Implementation: The University of Texas Medical Branch at Galveston will be primarily involved in the medical care and transport of female inmates and in the provision and expansion of telemedicine and telehealth services. The University of Texas Medical Branch at Galveston would need to collaborate with the Texas Department of Criminal Justice to develop policies and procedures around the transportation of female inmates to its medical facilities. The policies should ensure compliance with the Prison Rape Elimination Act of 2003, specifically addressing issues of privacy and dignity during searches and transit.

Telemedicine and Telehealth Services Expansion: The University of Texas Medical Branch at Galveston, in conjunction with the Texas Tech University Health Sciences Center, is mandated to establish procedures to expand access to telemedicine and telehealth services for inmates.

The university would also need to create mechanisms for monitoring and reporting on the implementation of these services, given the requirement for a progress report to be submitted to the legislature by December 1, 2024. This reporting requirement implies the need for data collection, analysis, and a system for tracking the utilization of these services.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

LIVING ORGAN DONOR EDUCATION PROGRAM

SB 1249 - Hancock - Relating to the establishment of a living organ donor education program.

SB 1249 authorizes the Department of State Health Services (SHS) to establish a state-wide education initiative regarding living organ donation. The program aims to educate Texas residents about the need for living organ donors, especially among minority populations, as well as the processes, requirements, and medical procedures related to living organ donation. The program will provide these resources in both written and electronic formats, which will be accessible in healthcare facilities, driver's license offices, and online. This bill requires the creation of informational materials about living organ donation and the registration process for potential donors. SHS will collaborate with Donate Life Texas, an organization focused on organ donation. This material will be made available on both the Department's and the Department of Public Safety's websites and can also be printed for distribution in various health-related facilities and driver's license offices.

Implementation: Institutions may need to develop internal policies and procedures to ensure compliance, that could involve creating protocols for how materials are displayed and distributed, or how collaborations with external organizations are managed.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROCEDURES REGARDING THE HANDLING OF COMPLAINTS AGAINST ADVANCED PRACTICE NURSES AND ASSESSMENT STANDARDS FOR EXPERT REVIEWERS

SB 1343 - LaMantia - Relating to the composition of the Texas Board of Nursing and procedures applicable to complaints against advanced practice registered nurses.

SB 1343 amends the Occupations Code to expand the membership of the Texas Board of Nursing and introduces specific procedures for the handling of complaints against advanced practice registered nurses, including the appointment of expert reviewers for assessing standard of care violations.

The Texas Board of Nursing is expanded from 13 to 15 members. It specifies the increase in representation from advanced practice registered nurses, registered nurses, vocational nurses, and members of the public. Procedures regarding complaints against advanced practice registered nurses are introduced. The appointment of expert reviewers among advanced practice registered nurses are required to assist in investigations related to complaints. These reviewers will handle cases involving alleged standard of care violations by advanced practice registered nurses practicing in the same role and population focus. There are exceptions for complaints that fall within the scope of practice of a regular nurse or involve unprofessional conduct. The bill outlines the process for expert reviews, the roles of the board's legal staff or the attorney general and stipulates that both the individual submitting the complaint and the licensed practitioner in question are to be duly informed about the progression of the complaint process, including the findings from the expert review. The governor will appoint two additional members to the Texas Board of Nursing, with terms expiring in 2025 and 2029, respectively. The Texas Board of Nursing must adopt the necessary rules to implement these changes by February 1, 2024.

Implementation: The bill predominantly impacts the Texas Board of Nursing. Institutions should be informed on procedures for handling complaints against advanced practice registered nurses, and the expert reviewers assessment standards.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs, Office of General Counsel

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Board of Nursing.

APPLICABILITY OF STANDARDIZED EXAMS BY A SCHOOL OF NURSING

SB 1429 - Hinojosa - Relating to the use of standardized examinations by a school of nursing or educational program.

SB 1429 intends to regulate the use of standardized tests in nursing schools or educational programs. The Occupations Code is amended to require that the Texas Board of Nursing shall develop guidelines for the use of privately-created standardized examinations. These tests may not be used as a graduation prerequisite or to deny a graduation affidavit. However, they can be employed to familiarize students with computerized testing, evaluate students' strengths, weaknesses, need for remediation, and to assess the effectiveness of the nursing program itself. Additionally, the results from these exams may not comprise more than 10% of a course grade, and schools cannot mandate students identified for remediation through

these exams to attend courses offered by the exam provider. Schools failing to abide by these rules may face disciplinary actions, including possible revocation of approval status.

Implementation: Institutions will need to adjust examination practices, including eliminating standardized tests as graduation requirements and limiting the grade weightage to not more than 10%.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs, Office of Academic Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Board of Nursing.

UNIVERSITY OF TEXAS SYSTEM LAND USE

SB 1758 – Schwertner - Relating to the use of certain land by The University of Texas System.

Broadens legally possible use of UTMDACC Smithville land to all UT System mission uses. Although possible uses of property are legally broadened, such uses may still be restricted by deeds with reversionary clauses. Affects all Smithville land owned by UT (700+ acres).

Implementation: To fully implement, need to amend deed into UT and vesting deed to broaden allowed uses; Law took effect 5/19/2023.

Effective Date: 09/01/2023

Responsible Party: Office of General Council & Real Estate Office

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

STATE ANATOMICAL BOARD AND WILLED BODY PROGRAM REGULATION

SB 2040 - Springer - Relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission, the regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities, and the creation of the State Anatomical Advisory Committee; requiring registration; authorizing fees; authorizing an administrative penalty.

Eliminates the standalone State Anatomical Board and reconstitutes it as an advisory committee within the Texas Funeral Services Commission. Authorizes the Commission to regulate public and private willed body donation programs.

Implementation: Health institutions' willed body programs must comply with Commission regulations.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority previously granted to the Anatomical Board of the State of Texas is transferred to the Texas Funeral Service Commission.

UT HEALTH SCIENCE CENTER AT TYLER ADDED TO THE JOINT ADMISSION MEDICAL PROGRAM

[SB 2123](#) - Hughes - Relating to the participation of the medical school at The University of Texas Health Science Center at Tyler in the Joint Admission Medical Program.

SB 2123 adds The University of Texas Health Science Center at Tyler (UTHSCT) to be included in the Joint Admission Medical Program (JAMP). The Education Code is amended to include UTHSCT as a participating medical school alongside other institutions. UTHSCT is mandated to enter an agreement with the JAMP Council, represented by a selected faculty member. Furthermore, UTHSCT will begin providing internships and mentoring under JAMP starting from the 2025-2026 academic year, but it isn't required to admit participating students under the program before the 2026-2027 academic year.

Implementation: UTHSCT will need to establish an agreement with the JAMP Council and select a faculty representative to serve on the council. UTHSCT will also need to develop an infrastructure for internships and mentoring under the JAMP, beginning from the 2025-2026 academic year. By the 2026-2027 academic year, UTHSCT must adjust its admission process to accommodate JAMP students. These changes may require UTHSCT to allocate additional resources and staff to manage the JAMP participation, structure the internship and mentoring programs, and adjust its admission process.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

EMERGENCY TRANSPORTATION SERVICES FOR END STAGE RENAL DISEASE PATIENTS DURING A DECLARED DISASTER

[SB 2133](#) - Miles - Relating to emergency planning for the transportation of certain end stage renal disease facility patients during a declared disaster.

SB 2123 amends the Health and Safety Code to require emergency medical service providers to develop a comprehensive plan for the emergency transportation of end-stage renal disease patients to and from dialysis facilities during a declared disaster. It provides a safety net for these patients when their regular and alternative transportation modes become unusable due to the disaster, while still allowing providers to prioritize acute emergencies as needed. Emergency medical service providers must develop a contingency plan for transporting dialysis patients directly to and from outpatient renal disease facilities when usual/alternative transportation modes are unavailable due to the disaster. While it allows prioritizing transportation of patients suffering from acute emergencies over dialysis patients, the law still guarantees

emergency medical service for renal disease patients. Additionally, Section 773.112(d) of the Health and Safety Code is repealed.

Implementation: Institutions providing services to end stage renal disease patients should evaluate their current emergency plans and ensure that they or their affiliated healthcare providers comply with the new requirement for emergency transportation plans for dialysis patients during declared disasters.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

QUALIFICATIONS OF EXPERTS IN HEALTH CARE LIABILITY CLAIMS

SB 2171 - Alvarado - Relating to the qualifications of experts in certain health care liability claims.

Adds chiropractors as eligible health professionals to serve as expert witnesses in health care liability claims.

Implementation: N/A

Effective Date: 09/01/2023

Responsible Party: Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SAFE DISPOSAL OF PRESCRIPTION DRUGS PILOT PROGRAM

SB 2173 - Alvarado - Relating to a pilot program for the safe disposal of prescription drugs, including controlled substance prescription drugs.

SB 2173 establishes a pilot program for the safe disposal of prescription drugs, including controlled substance prescription drugs. The Texas State Board of Pharmacy (SBP) will administer and implement the program that seeks to increase the number of locations where unused, expired, or unwanted prescription drugs can be safely collected from the public. Pharmacies are eligible to apply to participate in this program if they meet specified criteria, which include registration as an authorized drug collection site with the U.S. Drug Enforcement Administration, and non-involvement in state or federal opioid litigation. The bill specifies the rules for safe collection receptacles, mail-back programs, record keeping, and marketing. SBP is also responsible for providing financial assistance and conducting community outreach. Funding for the program can be appropriated from the opioid abatement account and collected

from gifts, grants, and donations. The bill expires two years after all the appropriated money for the program has been spent.

Implementation: No implementation required.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the Texas State Board of Pharmacy.

Capital Projects

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Capital Projects

SOLICITING AND AWARDING PUBLIC CONSTRUCTION CONTRACTS

[HB 679](#) – Keith, Bell - Relating to limitations on the use of workers' compensation insurance experience modifier values in soliciting and awarding public construction contracts.

Experience modifiers are a workers' compensation actuarial tool normally used when determining rates for employers seeking to purchase workers' compensation coverage. An experience modifier formula rates a company by comparing the company's workers' comp claims profile (loss history) to other similarly sized companies in the same industry. In the context of construction contracts, however, third party entities have begun requiring experience modifiers as a substitute for assessing company safety, which has led to unfair discrimination against contract bidders.

Implementation: Minimal fiscal implications: any costs associated with the bill could be absorbed using existing resources. Will require modifications to existing processes and protocol and rules prior to the effective date of September 1, 2023. Work in collaboration with the Contracts department, Office of Risk Management (oversees Workers' Comp), Office of Capital Projects, and Office of General Counsel.

Effective Date: 09/01/2023

Responsible Party: Office of Risk Management (oversees Workers' Comp) and Office of Capital Projects.

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CONSTRUCTION LIABILITY CLAIMS

[HB 2965](#) – Vasut - Relating to certain construction liability claims concerning public buildings and public works.

Relating to certain construction liability claims concerning public buildings and public works, this legislation confirms applicability and denies subject entities the right to waive requirements for a contractor to review a construction defect claim report and to propose corresponding remedy. This legislation will have no impact on UTS based on current business practices.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CONTRACTUAL AGREEMENTS FOR CONTRACTOR'S OR SUBCONTRACTOR'S

HB 3485 – Bell, Keith - Relating to a contractor's or subcontractor's right to elect not to proceed with additional work under a contract.

Relating to a contractor's or subcontractor's right to elect not to proceed with additional work under a contract, this legislation preserves the rights of the contractor not to execute work without prior approval. This legislation will have no impact on UTS based on current business practices.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REGULATIONS OF RESIDENTIAL OR COMMERCIAL BUILDING CONSTRUCTION

SB 2453 – Menendez - Relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction of residential or commercial buildings.

SB 2453 clarifies and negates the legal interpretations that prevented the State Energy Conservation Office (SECO) from adopting updated editions of energy codes, energy and water conservation design standards, and the high-performance building design standards that were recommended by the associated advisory committee.

Implementation: UT System projects will be required to comply with the updated energy and water codes in effect at the official Design Assignment of each project, and this will be reflected in performance and associated reports starting in FY 2024. The Office of Capital Projects (OCP) has historically been the UT System department charged with overseeing compliance with energy efficiency and water conservation codes for all UT System construction projects, and that will continue. OCP will update their Appendix C of Codes and Standards as needed before the end of FY 2023. OCP will follow any standards adopted by SECO and revise UTS 169 as may be required to reflect the requirements for high-performance building design, and this schedule will correspond to actions taken by SECO.

Effective Date: 09/01/2023

Responsible Party: Office of Capital Projects

Rulemaking authority: Rulemaking authority previously granted to the State Energy Conservation Office.

Compliance & Privacy

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| HB 4 - Capriglione - Relating to the regulation of the collection, use, processing, and treatment of consumers' personal data by certain business entities; imposing a civil penalty. | 100 |
| HB 18 – Slawson - Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school. | 100 |
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| SB 12 – Hughes - Relating to the authority to regulate sexually oriented performances and to restricting those performances on the premises of a commercial enterprise, on public property, or in the presence of an individual younger than 18 years of age; authorizing a civil penalty; creating a criminal offense. | 102 |
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Compliance & Privacy

TEXAS DATA AND PRIVACY ACT

HB 4 - Capriglione - Relating to the regulation of the collection, use, processing, and treatment of consumers' personal data by certain business entities; imposing a civil penalty.

This bill has created the Texas Data Privacy and Security Act for residents of Texas. This new law requires any commercial businesses offering goods or services to residents of Texas to allow a consumer to request an accounting of information gathered by the business about the consumer and request that the information gathered be deleted, corrected if incorrect, obtain a copy of the information gathered, request that the business not provide the data to other entities, or sell the consumer's data. A business subject to this law would be required to comply with the request of the consumer within 45 days of receiving such request or communicate to the consumer any reasons for denial of the request.

The Act will allow the Attorney General to hold businesses accountable under the proposed law if suspected violations are raised. The Act does not create a private right of action however, for consumers. The Act does not apply to state or government entities, institutions of higher education, or public-school districts.

Implementation: Information has already been communicated to privacy officers at each institution.

Effective Date: 09/01/2023

Responsible Party: Compliance & Privacy

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECURING CHILDREN ONLINE THROUGH PARENTAL EMPOWERMENT ACT

HB 18 – Slawson - Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school.

HB 18 “Securing Children Online through Parental Empowerment” Act is a privacy bill. There is no direct impact on UT System as it is exempt unless OGC says any of it applies to any k-12 schools that UT controls. The bill may affect vendors we contract with and OGC will need to determine if any additional contract clauses may be required. It may also reduce our pool of vendors in the affected area. Consult with: Cristina Blanton, Scott Patterson, & Helen Mohrmann.

Implementation: For Article 3, OGC to immediately determine if this Article applies to any k-12 entities that UT controls.

For the rest of the bill, OGC to determine prior to September 1, 2024, if:

1. We need any additional contract clauses (note, I don't believe so); and

2. If portions other than Article 3 apply to any k-12 schools that UT operates.

Effective Date: 09/01/2024 except for Article 3 that takes effect immediately (for k-12 schools).

Responsible Party: Office of General Council will provide guidance on responsible party, but likely the Privacy Officer.

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

UNLAWFUL DISCLOSURE OF IDENTIFIABLE RESIDENCE OR TELEPHONE INFORMATION

HB 611 – Capriglione - Relating to the creation of the criminal offense of unlawful disclosure of residence address or telephone number.

HB 611 amends Chapter 42 of the Penal Code. The bill enhances the penalty to a Class A misdemeanor if the offense results in the bodily injury of that individual or a member of their family or household. The bill establishes prima facie evidence of the actor's intent to cause harm or a threat of harm for purposes of the offense if the actor receives a written demand from the individual to not disclose the address or telephone number for reasons of safety.

Operational Impact: All BPOC course material related to the Penal Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police & Compliance

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

GENETIC DATA PROPERTY RIGHTS

HB 2545 - Capriglione - Relating to an individual's genetic data, including the use of that data by certain genetic testing companies for commercial purposes and the individual's property right in DNA; authorizing a civil penalty.

HB 2545 establishes property rights for individuals' genetic data, providing Texans with control over their biological samples and genetic test results. The bill addresses the use of genetic data by "direct-to-consumer" genetic testing companies for commercial purposes. Direct-to-consumer genetic testing company is defined as an entity that either (A) provides genetic testing products or services directly to individuals as consumers, or (B) collects, uses, or analyzes genetic data resulting from a direct-to-consumer genetic testing product or service, which an individual, not a healthcare provider, provides to the company. Companies will be required to secure explicit consent from individuals for certain uses and disclosures, and establish comprehensive security measures to protect genetic data.

Implementation: No impact. Institutions of higher education or a private or independent institutions of higher education are explicitly exempt from the provisions of this chapter.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REGULATING SEXUALLY ORIENTED PERFORMANCES IN PUBLIC SPACES

SB 12 – Hughes - Relating to the authority to regulate sexually oriented performances and to restricting those performances on the premises of a commercial enterprise, on public property, or in the presence of an individual younger than 18 years of age; authorizing a civil penalty; creating a criminal offense.

This bill creates a criminal offense if a person engages in a "sexually oriented performance" on public property at a time, place, and manner that could reasonably be expected to be viewed by a child; or in the presence of an individual younger than 18 years of age.

The bill defines a "sexually oriented performance" as any visual performance that features;

- A performer who is nude, or who engages in "sexual conduct"; and
- Appeals to the "prurient interest in sex."

Sexual Conduct is also defined by the bill, and includes:

- The exhibition or representation, actual or simulated, of sexual acts, including vaginal sex, anal sex, and masturbation;
- The exhibition or representation, actual or simulated, of male or female genitals in a lewd state, including a state of sexual stimulation or arousal;
- The exhibition of a device designed and marketed as useful primarily for the sexual stimulation of male or female genitals;
- Actual contact or simulated contact occurring between one person and the buttocks, breast, or any part of the genitals of another person; or

- The exhibition of sexual gesticulations using accessories or prosthetics that exaggerate male or female sexual characteristics.

Implementation: Relevant departments at each institution should be informed. This is a criminal statute, general in application.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HIGHER EDUCATION COMPLIANCE PROGRAMS

SB 336 – Zaffirini - Relating to compliance programs at public institutions of higher education.

Section 51.971 of the Education Code protects “compliance program” investigations from public disclosure under the Public Information Act. Previously, “compliance program” was narrowly tailored to officers and employees of the university. This bill expands the definition of “compliance program,” such that compliance investigations into the alleged improper actions of agents, contractors, subcontractors or others acting on behalf of the university will also be protected from disclosure.

Implementation: Compliance offices should be informed about the effect of this bill on their investigations.

Effective Date: 09/01/2023

Responsible Party: Compliance offices

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SALE OF PERSONAL DATA BY STATE AGENCIES

SB 821 – Nichols - Relating to the review by the Sunset Advisory Commission of the sale of personal data by state agencies.

The new law creates provisions for the Sunset Committee to review state agencies that may gather personal information and sell the information. The Committee will review whether data is sold to outside parties, what data is sold, and other factors required. The Committee is required to recommend prohibiting the sale of personal data unless there is a verified business need to sell the data as determined by the Sunset Committee.

Implementation: Information has already been communicated to privacy officers at each institution.

Effective Date: 09/01/2023

Responsible Party: Compliance & Privacy

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

RESEARCH SECURITY

SB 1565 – Hughes - Relating to requiring the establishment of policy frameworks for research security at public institutions of higher education.

This bill addresses research security at public institutions of higher education by:

Requiring a Board of Regents' approved research security policy framework for each UT institution with specific requirements regarding:

- standards for security and protecting the institutions research portfolio
- promoting an organizational culture of compliance that maintains federal funding eligibility' and
- Designating a research security officer with mandated responsibilities

In addition, UT System may also designate a research security officer (RSO); the bill also creates a training requirement for RSOs.

Implementation: Institutions will need to work with UT System's Research Security Officer on their policy frameworks for research security. Institutions will also need to designate a research security officer. Timeline, as soon as practicable

Effective Date: 09/01/2023

Responsible Party: Vice President for Research

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REQUIREMENTS OF DATA BROKERS

SB 2105 – Johnson - Relating to the registration of and certain other requirements relating to data brokers; providing a civil penalty and authorizing a fee.

Regulation of Data Brokers. The new law establishes regulations for data brokers in Texas. Data brokers must now register with the Secretary of State, pay a registration fee, and implement extensive security controls to protect the personal data they process and maintain.

Implementation: Updates will be shared with privacy officers at each institution and will update OIRA so they can share with their colleagues as well.

Effective Date: 09/01/2023

Responsible Party: Compliance & Privacy

Rulemaking authority: Rulemaking authority is expressly granted to the secretary of state.

Controller

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Controller

SOLICITING AND AWARDING PUBLIC CONSTRUCTION CONTRACTS

HB 679 – Keith, Bell - Relating to limitations on the use of workers' compensation insurance experience modifier values in soliciting and awarding public construction contracts.

Experience modifiers are a workers' compensation actuarial tool normally used when determining rates for employers seeking to purchase workers' compensation coverage. An experience modifier formula rates a company by comparing the company's workers' comp claims profile (loss history) to other similarly sized companies in the same industry. In the context of construction contracts, however, third party entities have begun requiring experience modifiers as a substitute for assessing company safety, which has led to unfair discrimination against contract bidders.

Implementation: Minimal fiscal implications: any costs associated with the bill could be absorbed using existing resources. Will require modifications to existing processes and protocol and rules prior to the effective date of September 1, 2023. Work in collaboration with the Contracts department, Office of Risk Management (oversees Workers' Comp), Office of Capital Projects, and Office of General Counsel.

Effective Date: 09/01/2023

Responsible Party: Office of Risk Management (oversees Workers' Comp) and Office of Capital Projects.

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

VALIDITY OF CONTRACTS REQUIRING DISCLOSURES

HB 1817 – Capriglione - Relating to the validity of a contract for which a disclosure of interested parties is required.

HB 1817 modifies Section 2252.908 of the Government Code, stipulating that contracts requiring disclosure of interested parties become voidable only if the entity fails to disclose within 10 days of receiving written notice from the government or state agency. It also clarifies that courts can enforce this written notice requirement under certain conditions and that contracts executed before the Act's effective date are presumed properly executed.

Implementation: Minimal fiscal implications: any costs associated with the bill could be absorbed using existing resources. Will require modifications to existing templates and rules prior to the effective date of September 1, 2023. Work in collaboration with Contracts department and Office of General Counsel (OGC).

Effective Date: 09/01/2023

Responsible Party: Contracts department within Office of the Controller and Office of General Counsel (OGC).

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

EXEMPTING CERTAIN CONTRACTS FROM PROCUREMENT NOTICE REQUIREMENTS

HB 3013 – Slawson - Relating to exempting certain contracts from procurement notice requirements.

Amends the Government Code to exempt a contract for services necessary to respond to a natural disaster from certain procurement notice requirements applicable to a procurement in an amount that exceeds \$20 million. The bill applies only to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the bill's effective date.

Implementation: Will require modifications to existing templates and rules prior to the effective date of September 1, 2023. Work in collaboration with the Contracts department, Office of Risk Management and Office of General Counsel (OGC).

Effective Date: 09/01/2023

Responsible Party: Contracts department within Office of the Controller, Office of Risk Management, and Office of General Counsel (OGC).

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANNUAL FINANCIAL REPORTING REQUIREMENTS

HB 4510 – Smithee - Relating to reporting of certain information by state agencies and counties, including information related to appropriated money, activities of certain consultants, and tax revenue.

Relating to annual financial reports (AFRs) submitted by state agencies
Amends the AFR submission deadlines (previously November 20 for all state agencies) to a staggered deadline based on the type of state agency or existence of audited financial report

- AFR submission deadline for state agencies with an audited financial report (like UT System) moved back from November 20 to December 15
- Audit report submission deadline moved up from December 20 to December 15

Implementation:

- An unaudited consolidated AFR will no longer be submitted to the State Comptroller's Office.

- An audited consolidated AFR will be submitted to the State Comptroller’s Office by no later than December 15.
- Accounting Services will work collaboratively with the external auditors and UT institutions to move up the target date, external timelines, and audit opinion deadline.

Effective Date: 09/01/2024

Responsible Party: Accounting Services department within the Controller’s Office

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DUTIES OF REAL PROPERTY APPRAISERS UNDER GOVERNMENT CONTRACTS

SB 1766 – Creighton - Relating to indemnification and duties of real property appraisers under certain governmental contracts.

Ensures that appraisers cannot be held liable for the negligence or mistakes made by a governmental entity. Under this legislation, provisions of contracts for appraisal services, or a promise in connection with the contract, is void and unenforceable if the provision requires a licensed appraiser to indemnify or hold harmless a governmental agency against liability for damage. S.B. 1766 does not prohibit a governmental agency from including in and enforcing a provision in a contract.

Implementation:

- Minimal fiscal implications.
- Will require modifications to existing templates and rules **prior to the effective date of Sept. 1, 2023.**
- Work in collaboration with Contracts department, Office of Real Estate, Office of Risk Management (General liability) and Office of General Counsel (OGC).

Effective Date: 09/01/2023

Responsible Party: Contracts department within Office of the Controller, Office of Real Estate, Office of Risk Management, and Office of General Counsel (OGC).

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Employee Benefits

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SB 1003 – Smithee - Relating to disclosure requirements for health care provider directories maintained by certain health benefit plan issuers. 122

SB 1040 – Kolkhorst - Relating to health benefit plan coverage of a transplant of an organ that originated from or is transplanted in a country known to have participated in organ harvesting. 122

SB 1286 – Schwertner - Relating to prompt payment deadlines for health benefit plan claims affected by a catastrophic event. 123

Employee Benefits

IMPORTATION OF PRESCRIPTION DRUGS

HB 25 – Talarico - Relating to wholesale importation of prescription drugs in this state; authorizing a fee.

HB 25 authorizes the establishment of a wholesale prescription drug importation program for resale to Texas residents, establishing definitions as well as implementation and other requirements. The bill aims to lower prescription drug costs by establishing a state-controlled importation program (Chapter 444, Health and Safety Code) which contracts with wholesalers and Canadian suppliers, and mandates registration processes for health benefit plan issuers, health care providers, and pharmacies to obtain and dispense imported drugs (Sec. 444.002).

Implementation: Health-related institutions must be aware of the changes in the cost of prescription drugs and adjust their healthcare policies accordingly. They also need to ensure their pharmacies or healthcare providers are compliant with the program's rules if participating in it. Additionally, health-related institutions should be aware of any amendments to Medicaid or other health benefit plans related to the imported drugs' cost and accessibility.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

WHOLESALE IMPORTATION OF PRESCRIPTION DRUGS

HB 109 – Johnson, Julie - Relating to wholesale importation of prescription drugs for resale to Texas residents.

Prohibits affected health benefit plans that provide coverage for hearing aids from denying an enrollee's claim for a hearing aid solely because the price of the hearing aid is more than the benefit available under the health benefit plan.

Implementation: Already in compliance. Review with Third Party Administrator (TPA) to ensure awareness.

Effective Date: 09/01/2023

Responsible Party: Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CONTRACT PROVISIONS AFFECTING HEALTH CARE PROVIDER NETWORKS

HB 711 – Frank - Relating to certain contract provisions and conduct affecting health care provider networks.

Defines anti-steering, anti-tiering, gag, and most favored nation clauses in the context of network provider contracts and prohibits providers from offering or entering into a provider network contract that includes any of these types of clauses.

Implementation: Not directly applicable. No direct action required beyond verifying TPA is aware of prohibitions and requesting info about potential impact to UT plans.

Effective Date: 09/01/2023

Responsible Party: Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PRESCRIPTION DRUG BENEFITS REGARDING AUTOIMMUNE DISEASES AND CERTAIN BLOOD DISORDERS

HB 755 – Johnson, Julie - Relating to prior authorization for prescription drug benefits related to the treatment of autoimmune diseases and certain blood disorders.

Prohibits affected health benefit plans from requiring more than one prior authorization annually for a prescription drug prescribed to treat certain conditions, including autoimmune diseases and certain blood disorders.

Implementation: Broadly applicable, including for plans authorized under Chapter 1601. Coordination with Prescription Benefit Manager (PBM) required to ensure compliance beginning September 1, 2024.

Effective Date: 09/01/2023

Responsible Party: Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CONTRACEPTIVE DRUGS

[HB 916](#) – Ordaz - Relating to health benefit plan coverage of prescription contraceptive drugs.

Requires that affected health plans that provide benefits for prescription contraceptives must provide for an enrollee to obtain up to a 12-month supply of a covered prescription contraceptive drug at one time.

Implementation: N/A for plans authorized under Chapter 1601.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

OUT-OF-POCKET EXPENSE DECUCTIONS

[HB 999](#) – Price - Relating to the effect of certain reductions in a health benefit plan enrollee's out-of-pocket expenses for certain prescription drugs on enrollee cost-sharing requirements.

Requires that, when certain conditions are met, all third-party payments, financial assistance, discounts, product vouchers, and other reductions in out-of-pocket expenses made by or on behalf of a member for a prescription drug be applied to deductible/copayment/cost-sharing responsibilities and the applicable OOP max for affected plans.

Implementation: N/A for plans authorized under Chapter 1601.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PRESCRIPTION DRUGS FOR SERIOUS MENTAL ILLNESSES

[HB 1337](#) – Hull - Relating to step therapy protocols required by health benefit plans for coverage of prescription drugs for serious mental illnesses.

Places limits on the imposition of certain requirements under affected health benefit plans before the plan provides coverage for an FDA-approved prescription drug that is prescribed for a serious mental illness for enrollees aged 18 and older.

Implementation: N/A for plans authorized under Chapter 1601.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

EMPLOYEE BENEFIT PLANS REGARDING

HB 1527 – Oliverson - Relating to the relationship between dentists and certain employee benefit plans and health insurers.

- Establishes requirements around recovery of overpayments from dentists by benefit plans and health insurance policy providers or issuers,
- Prohibits certain types of provisions in contracts between an insurer and a dentist around denial of payment or prohibiting a dentist from billing for and collecting an amount owed for a service from a patient, and
- Establishes requirements around third party access to dental provider networks.

Implementation: N/A for plans authorized under Chapter 1601.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HEALTH BENEFIT PLAN COVERAGE OF CLINICIAN-ADMINISTERED DRUGS.

HB 1647 – Harris, Cody - Relating to health benefit plan coverage of clinician-administered drugs.

Establishes prohibitions applicable to affected health benefit plans around limitations on coverage for clinician-administered drugs for patients with chronic, complex, rare, or life-threatening medical condition under certain circumstances.

Implementation: N/A for plans authorized under Chapter 1601.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HEALTH BENEFIT COVERAGE FOR FERTILITY PRESERVATION SERVICES

HB 1649 – Button - Relating to health benefit coverage for certain fertility preservation services and notice regarding certain risks of impaired fertility.

Requires coverage for certain fertility preservation services for members covered under affected health benefit plans and experiencing specific circumstances. Services required to be covered would be limited to standard procedures to preserve fertility that are consistent with established medical practices and professional guidelines published by the American Society of Clinical Oncology or the American Society for Reproductive Medicine.

Implementation: N/A for plans authorized under Chapter 1601.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HEALTH CARE PLANS RELATING TO OPTOMETRISTS AND THERAPUTIC OPTOMITRISTS

HB 1696 – Buckley - Relating to the relationship between managed care plans and optometrists and therapeutic optometrists.

Expands the list of affected benefit plans/issuers/ administrators that are subject to the provisions in Subchapter D, Chapter 1451, Insurance Code, as well as significantly expanding the requirements/prohibitions already included within the subchapter which deals with access to optometrists under a managed care plan.

Implementation: Not directly applicable. No direct action required beyond verifying contracted vision plan issuer is aware of requirements and prohibitions and requesting info about potential impact to UT plans.

Effective Date: 09/01/2023

Responsible Party: Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REGULATION OF GROUP FAMILY LEAVE INSURANCE

HB 1996 – Hull - Relating to the regulation of group family leave insurance issued through an employer to pay for certain losses of income.

Establishes definitions, applicability, rulemaking authority, minimum policy standards, and other requirements around group family leave insurance.

Implementation: N/A - Outside the scope for OEB

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority is expressly granted to commissioner of insurance.

OUT-OF-POCKET EXPENSE CREDITS

HB 2002 – Oliverson - Relating to preferred provider benefit plan out-of-pocket expense credits for payments made by an insured directly to a physician or health care provider.

Requires that affected insurers offering preferred provider benefit plans establish a procedure and identify documentation necessary to support issuing a credit toward an insured's deductible and annual maximum out-of-pocket expenses for an amount that an insured pays directly to any physician or health care provider for a medically-necessary covered medical or health care service or supply if a claim for the service or supply is not submitted to the insurer and the amount paid is less than the average discounted rate paid for the service or supply by the insurer to an equivalently licensed or authorized provider under the plan. Insurers would be required to establish procedures and documentation requirements and publish information about these on the insurer's website.

Implementation: N/A for plans authorized under Chapter 1601.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

NETWORK ADEQUACY STANDARDS FOR PREFERRED PROVIDER BENEFITS PLAN

HB 3359 – Bonnen - Relating to network adequacy standards and other requirements for preferred provider benefit plans.

Substantially updates provisions around network adequacy (including specific maximum travel time and distance standards by specialty and maximum appointment wait times) and preferred provider

contracting. Requests for waivers from any network adequacy standard would require a public hearing by the insurance commissioner to determine whether there is good cause for the waiver.

Implementation: Not directly applicable. No direct action required beyond verifying TPA is aware of provisions and requesting info about potential impact to UT plans.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: Rulemaking authority previously granted to the commissioner of Insurance.

ELECTRONIC VERIFICATION OF HEALTH BENEFITS

HB 4500 – Harris, Caroline - Relating to electronic verification of health benefits by health benefit plan issuers for certain physicians and health care providers.

Requires affected health benefit plans to maintain and make available via website a secure system allowing physicians and health care providers for a hospital or freestanding emergency medical care facility to determine 1) patient coverage under plan and 2) patient cost sharing amount (deductible, coinsurance, and/or copayment). Health benefit plans may provide the information through an existing portal or through contracting with a third-party to establish a portal that is “available at all times”.

Implementation: Broadly applicable, including for plans authorized under Chapter 1601. Coordination with TPA required to ensure compliance by January 1, 2024.

Effective Date: 09/01/2023

Responsible Party: Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TEXAS PHARMACEUTICAL INITIATIVE

HB 4990 – Bonnen - Relating to the Texas Pharmaceutical Initiative and a governing board and advisory council for the initiative.

Establishes the Texas Pharmaceutical Initiative, including details regarding the establishment and operation of the proposed initiative and potential contracting of a Pharmacy Benefit Manager (PBM) to provide services under the initiative. Contains specifics addressing the establishment of authorization for state entities providing various groups with health benefit plan coverage to elect to provide access to prescription drugs and other medical supplies under the initiative.

Implementation: No immediate action required beyond ensuring System Administration executive leadership is aware of initiative and prepared to designate appropriate representative.

Effective Date: 09/01/2023

Responsible Party: Office of Employee Benefits

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

COST OF LIVING ADJUSTMENT REGARDING THE TEXAS RETIREMENTS SYSTEM OF TEXAS

HJR 2 – Bonnen - Proposing a constitutional amendment authorizing the 88th Legislature to provide a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas.

HJR 2 proposes a constitutional amendment to grant the 88th Legislature the authority to provide a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas. Additionally, the Legislature may appropriate funds from the general revenue fund to the comptroller of public accounts into the trust fund of the Teacher Retirement System, to ensure the payment of the adjustment. The amendment expires on September 1, 2025, and it will be put to a vote in the November 7, 2023 election.

Implementation: NA

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

COST-OF-LIVING ADJUSTMENT FOR THE TEACHER RETIREMENT SYSTEM OF TEXAS

SB 10 – Huffman - Relating to certain benefits paid by the Teacher Retirement System of Texas.

Subchapter H, Chapter 824, Government Code, to allow for a one-time cost-of-living adjustment to be paid to certain annuitants of the Teacher Retirement System of Texas. The adjustment is scheduled for January 2024 and will be applicable to annuitants receiving a monthly death or retirement benefit annuity. Eligibility criteria are outlined based on different types of annuities and the effective dates of retirement or death. Furthermore, the Act proposes a one-time supplemental payment to be made by the Teacher Retirement System of Texas in September 2023. The supplemental payment will be based on age and the type of annuity received. Both the cost-of-living adjustment and the supplemental payment are subject to funding availability from legislative appropriations.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROHIBITION OF MEDICAL PROCEDURES REGARDING GENDER TRANSITIONING, GENDER REASSIGNMENT, OR GENDER DYSPHORIA USING PUBLIC MONEY.

SB 14 - Campbell - Relating to prohibitions on the provision to certain children of procedures and treatments for gender transitioning, gender reassignment, or gender dysphoria and on the use of public money or public assistance to provide those procedures and treatments.

Establishes definitions, prohibits physicians or health care professionals from referring for or providing gender transitioning or gender reassignment procedures or treatments for any individual younger than 18 years of age, prohibits use of public money or state health plan reimbursement for services provided to a child that are prohibited by Section 161.702, Health and Safety Code (as added by bill), and establishes authority for the attorney general to bring action to enforce the provisions of newly established Subchapter X, Chapter 161, Health and Safety Code.

Implementation: Requires coordination with TPA to ensure compliance with prohibition on reimbursement through any UT medical plan for certain medical services that will be prohibited under Section 161.702, Health and Safety Code, as of September 1, 2023.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PRESCRIPTION DRUG INFORMATION DISCLOSURE

SB 622 – Parker - Relating to the disclosure of certain prescription drug information by a health benefit plan.

Requires affected health benefit plans that cover prescription drugs and use one or more formularies to specify the prescription drugs covered under the plan to provide certain information regarding a prescription drug to an enrollee or the enrollee's prescribing provider. Plans would also be required to meet certain conditions when providing the required information and would be prohibited from taking certain actions in relation to requests for and provision of the required information.

Implementation: Broadly applicable, including for plans authorized under Chapter 1601. Coordination with Prescription Benefit Manager (PBM) required to ensure compliance for plan beginning September 1, 2025.

Effective Date: 09/01/2023

Responsible Party: Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

VISION/EYE BENEFITS

SB 861 – Hughes - Relating to coordination of vision and eye care benefits under certain health benefit plans and vision benefit plans.

Establishes 1) definitions, 2) applicability of the new Subchapter C, Chapter 1203, Insurance Code, 3) certain requirements around the coordination of benefits for eye care expenses between multiple plans, and 4) prohibitions on coordination of benefits provisions that would exclude or reduce benefits in certain circumstances.

Implementation: Not directly applicable. No direct action required beyond verifying contracted vision plan issuer is aware of requirements and prohibitions and requesting info about potential impact to UT plan.

Effective Date: 09/01/2023

Responsible Party: Office of Employee Benefits

Rulemaking authority: Rulemaking authority is expressly granted to the commissioner of insurance.

HEALTH BENEFIT PLAN COVERAGE FOR BIOMARKER TESTING

SB 989 – Huffman - Relating to health benefit plan coverage for certain biomarker testing.

Requires that affected health benefit plans provide coverage in certain circumstances for biomarker testing for the purpose of diagnosis, treatment, appropriate management, or ongoing monitoring of an enrollee's disease or condition to guide treatment when the test is supported by medical and scientific evidence. Coverage would be required only when use of biomarker testing provides clinical utility because use of the test for the condition: (1) is evidence-based; (2) is scientifically valid; (3) is outcome focused; and (4) predominately addresses the acute issue for which the test is being ordered, except that a test may include some information that cannot be immediately used in the formulation of a clinical decision.

Implementation: Already in compliance. Review with Third Party Administrator (TPA) to ensure awareness of all provisions and verify whether any updates needed to remain in compliance effective beginning September 1, 2024.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DISCLOSURE REQUIREMENTS FOR HEALTH CARE PROVIDER DIRECTORIES

SB 1003 – Smithee - Relating to disclosure requirements for health care provider directories maintained by certain health benefit plan issuers.

Expands the definition of “facility-based physician” in relation to provider directory requirements to “facility-based physician or provider” which (in addition to existing specialties) would include anesthesiologist assistants, nurse anesthetists, nurse midwives, surgical assistants, physical therapists, occupational therapists, speech-language pathologists, and any other specialty identified by commissioner rule.

Implementation: Not directly applicable. No direct action required beyond verifying TPA is aware of provisions.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

HEALTH BENEFIT PLAN COVERAGE FOR ORGAN TRANSPLANT HAVING PARTICIPATED IN ORGAN HARVESTING

SB 1040 – Kolkhorst - Relating to health benefit plan coverage of a transplant of an organ that originated from or is transplanted in a country known to have participated in organ harvesting.

Prohibits affected plans from covering a human organ transplant under certain conditions in relation to countries know to have participated in organ harvesting (including China and other countries as designated by the commissioner of state health services).

Implementation: Broadly applicable, including for plans authorized under Chapter 1601. Coordination with TPA required to ensure compliance by September 1, 2024.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Employee Benefits

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROMPT PAYMENT DEADLINES FOR HEALTH BENEFIT PLAN CLAIMS

SB 1286 – Schwertner - Relating to prompt payment deadlines for health benefit plan claims affected by a catastrophic event.

Updates provisions around the submission of claims by certain physicians and health care providers and the prompt payment of claims by affected health maintenance organizations and insurers.

Implementation: Not directly applicable. No direct action required beyond verifying TPA is aware of provisions and requesting info about potential impact to UT plans.

Effective Date: 09/01/2023

Responsible Party: Office of Employee Benefits

Rulemaking authority: Rulemaking authority is expressly granted to the commissioner of insurance.

Finance

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Finance

INVESTMENT CONFIDENTIALITY

[SB 1246](#) – Huffman - Relating to authorized investments of public money by certain governmental entities and the confidentiality of certain information related to those investments.

SB 1246 pertains to authorized investments of public money by certain governmental entities and the confidentiality of related investment information. It amends Section 404.024 of the Government Code, expanding the investment options available to the comptroller, including direct obligations of the United States or its agencies, commercial paper, and asset-backed securities. The bill also addresses investment in hedge funds by the board of trustees of the retirement system. Provision are introduced for forming title-holding entities for real property investments, ensuring their confidentiality, and clarifying disclosure requirements.

Implementation: No impact

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

General Counsel

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Office of General Counsel

SECURING CHILDREN ONLINE THROUGH PARENTAL EMPOWERMENT ACT

HB 18 – Slawson - Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school.

HB 18 “Securing Children Online through Parental Empowerment” Act is a privacy bill. There is no direct impact on UT System as it is exempt unless OGC says any of it applies to any k-12 schools that UT controls. The bill may affect vendors we contract with and OGC will need to determine if any additional contract clauses may be required. It may also reduce our pool of vendors in the affected area. Consult with: Cristina Blanton, Scott Patterson, & Helen Mohrmann.

Implementation: For Article 3, OGC to immediately determine if this Article applies to any k-12 entities that UT controls.

For the rest of the bill, OGC to determine prior to September 1, 2024, if:

1. We need any additional contract clauses (note, I don’t believe so); and
2. If portions other than Article 3 apply to any k-12 schools that UT operates.

Effective Date: 09/01/2024 except for Article 3 that takes effect immediately (for k-12 schools).

Responsible Party: Office of General Council will provide guidance on responsible party, but likely the Privacy Officer.

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PUBLIC INFORMATION ACCESS

HB 30 – Moody - Relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.

Amends the 552.108 law enforcement investigation exception to the TPIA regarding the withholding of non-basic information about closed investigations with a result other than conviction or deferred adjudication. Amended to preclude the application of 552.108(a)(2) if the subject of the report (the suspect), other than a peace officer, is deceased or incapacitated, or if each person who is the subject of the report other than the deceased individual consents to the release.

552.108(a)(2) was passed to protect innocent suspects who were investigated but not convicted/were acquitted at trial. Intention is to close the “dead suspect loophole” where the exception has been applied to withhold the identity of a non-arrested suspect because the suspect dies before the investigation or prosecution is completed.

Applicable to information responsive to requests received on or after 9/1/2023, regardless of when the report was created.

Implementation: OGC will update institution TPIA and UTPD staff regarding this change by August 2023 and will begin asking UTPD to confirm whether a suspect is deceased whenever they seek to raise this exception.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel & Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CALCULATION OF NET TO LAND

HB 260 – Murr - Relating to the calculation of net to land in the appraisal of open-space land for ad valorem tax purposes.

This bill adds a "disease and/or pest" element to the depletion component when calculating net income derived from the use of open-space land. The chief appraiser shall take into consideration the effect that the presence of the applicable diseases or pest or the designation of the area has on the net income from the land. This could be a possible reduction in costs to UT for land used as open-space that is affected by disease and or pest in its operation.

Implementation: REO and institution should confirm whether this "deduction" was made when reviewing the appraisal, if applicable.

Effective Date: 01/01/2024, so confirm if it is calculated in future appraisals.

Responsible Party: Office of General Counsel, Office of Real Estate

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

UNLAWFUL DISCLOSURE OF ADDRESS OR TELEPHONE INFORMATION

HB 611 – Creighton - Relating to the creation of the criminal offense of unlawful disclosure of residence address or telephone number.

Amends Title 9 Offense Against Public Order and Decency in Chapter 42 of the Texas Penal Code Disorderly Conduct and Related Offenses to add 42.0743 Unlawful Disclosure of Residence Address or Telephone Number.

The posting on an individual's residential address or telephone number on a publicly accessible website with the intent to cause harm or threat of harm to an individual or member of the individual's family or

household is a Class B misdemeanor. Enhances to Class A misdemeanor if the offense results in bodily injury to the individual or a member of their family or household.

Inapplicable to a public servant posting information on a publicly accessible website as part of their job duties or as required by or in accordance with state or federal law.

Criminalizes the “doxing” of personal information.

This is in the same Penal Code Chapter as harassment and stalking so institutions may consider adding this as a specific violation of conduct policies.

Context is important as private citizen addresses and phone numbers are not otherwise confidential. There must be intent to cause harm or threat of harm.

Implementation: By August 2023, OGC will update Legal Affairs offices so they may review policies to determine whether to add as specific conduct violations and will update ODOP to ensure information on this new misdemeanor is disseminated with updates to UTPD.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel, Office of Director of Police & Systemwide Compliance

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

VALIDITY OF CONTRACTS REQUIRING DISCLOSURES

HB 1817 – Caprigione - Relating to the validity of a contract for which a disclosure of interested parties is required.

HB 1817 modifies Section 2252.908 of the Government Code, stipulating that contracts requiring disclosure of interested parties become voidable only if the entity fails to disclose within 10 days of receiving written notice from the government or state agency. It also clarifies that courts can enforce this written notice requirement under certain conditions and that contracts executed before the Act's effective date are presumed properly executed.

Implementation: Minimal fiscal implications: any costs associated with the bill could be absorbed using existing resources. Will require modifications to existing templates and rules prior to the effective date of September 1, 2023. Work in collaboration with Contracts department and Office of General Counsel (OGC).

Effective Date: 09/01/2023

Responsible Party: Contracts department within Office of the Controller and Office of General Counsel (OGC).

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

RELATING TO TRUSTS

HB 2196 – Smithee – Relating to trusts.

Modifications to the Property code allowing a trust to be a qualifying trust if it allows for a settlor spouse trustee to revoke the trust. Adds provisions specifying when a trustee will NOT be considered a settlor. Adds a provision allowing creditors access to trust assets where a beneficiary exercises a general power of appointment. Modifies trust decanting such that the resulting trust uses the earlier trust effective date.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CONSTRUCTION LIABILITY CLAIMS

HB 2965 – Vasut - Relating to certain construction liability claims concerning public buildings and public works.

Relating to certain construction liability claims concerning public buildings and public works, this legislation confirms applicability and denies subject entities the right to waive requirements for a contractor to review a construction defect claim report and to propose corresponding remedy. This legislation will have no impact on UTS based on current business practices.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ADVANCED PRACTICE REGISTERED NURSES AUTHORITY OF GUARDIANSHIP PROCEEDINGS

HB 3009 - VanDeaver - Relating to the health care providers authorized to examine a person to determine whether the person is incapacitated for purposes of certain guardianship proceedings.

HB 3009 aims to expand the responsibilities and authority of Advanced Practice Registered Nurses (APRNs) as it pertains to guardianship proceedings. It broadens the definition of healthcare providers to encompass APRNs, allowing them to conduct examinations and provide written letters or certificates that

attest to an individual's incapacity. This incapacity is a prerequisite for applying for guardianship. However, the APRN must act under the supervision and delegation of a licensed physician according to Chapter 157 of the Occupations Code. The document must encompass the nature, degree, and severity of the proposed ward's incapacity, including the impact of their current medication, their ability to make personal decisions, and operate a motor vehicle. The potential for improvement and the need for guardianship should also be assessed, along with the proposed ward's benefit from certain supports and services. The court may also appoint a physician or APRN to examine the proposed ward when necessary.

Implementation: The examining healthcare provider will be required to provide written documentation of an examination that was conducted within 120 days before the guardianship application is filed. The supervising physician will be required to sign the certificate/letter if an APRN conducts the examination. If deemed necessary by a court, a hearing will be held to determine the need for a physician's or APRN's examination. A written notice of the hearing should be provided to the proposed ward and their attorney ad litem at least four days before the hearing date. Additional documentation is required if the proposed ward's incapacity is due to intellectual disability.

The bill additionally sets conditions for using the physician's or APRN's certificate or letter to establish probable cause for the court investigation. An order for complete restoration of a ward's capacity or modification of a ward's guardianship cannot be granted unless a physician's or APRN's written letter or certificate is presented to the court, following the same timeline and supervision requirements.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

EXEMPTING CERTAIN CONTRACTS FROM PROCUREMENT NOTICE REQUIREMENTS

HB 3013 – Slawson - Relating to exempting certain contracts from procurement notice requirements.

Amends the Government Code to exempt a contract for services necessary to respond to a natural disaster from certain procurement notice requirements applicable to a procurement in an amount that exceeds \$20 million. The bill applies only to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the bill's effective date.

Implementation: Will require modifications to existing templates and rules prior to the effective date of September 1, 2023. Work in collaboration with the Contracts department, Office of Risk Management and Office of General Counsel (OGC).

Effective Date: 09/01/2023

Responsible Party: Contracts department within Office of the Controller, Office of Risk Management, and Office of General Counsel (OGC).

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PUBLIC INFORMATION LAW

HB 3033 – Landgraf - Relating to the public information law.

Amends TPIA deadline requirements and the definition of a “business day” under the TPIA. Allows the Attorney General’s Office to mandate additional Public Information Officer training for failure to comply with the TPIA. Amends 552.275 regarding the establishment of time limits for certain non-media requestors. Requires the Attorney General to establish a searchable database of requests for open records decisions.

Requires most governmental bodies to submit requests for open records decisions and documents to the Open Records Division using the Attorney General’s e-filing system, unless it is impractical or impossible to do so or the governmental body hand-delivers the request for a decision to the Attorney General’s Office. The Attorney General’s Office will set the impractical or impossible standards.

Sets a deadline of no later than the 30th day after the receipt of an Attorney General open records decision to respond to requestors with one of five delineated responses regarding the outcome of the decision, the release of any records, and whether there will be a lawsuit.

Implementation: By August 2023, OGC will notify institutions of the updates and changes and will update training materials to reflect the changes to deadlines and business days. E-filing requirements begin 9/1/2023. Once the Attorney General’s Office issues guidance on the required use of the e-filing system, OGC will adjust our processes including for payment of filing fees.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel

Rulemaking authority: Rulemaking authority is expressly granted to the attorney general.

HEALTHCARE LIABILITY PROTECTIONS FOR PROVIDERS OF PREGNANCY TREATMENTS

HB 3058 - Johnson - Relating to the provision of certain medical treatment to a pregnant woman by a physician or health care provider.

HB 3058 creates protections for physicians and health care providers from liability and disciplinary action when exercising reasonable medical judgment while providing treatment for specific pregnancy complications such as ectopic pregnancies and previsible premature ruptures of membranes, ensuring that such complications are on equal footing with any other health care liability claim.

Implementation: Institutions should be aware that health care liability claims arising from complications due to ectopic pregnancies or previable premature ruptures of membranes must be treated as other health care liability claims under Section 74.552. Physicians or health care providers can exercise an affirmative defense in a civil action if they acted with reasonable medical judgment while providing treatment for these conditions. This affirmative defense also extends to pharmacists and pharmacies involved in processing or dispensing prescription drugs or medication orders in relation to the mentioned conditions. They can claim protection under Subsection (a) of Section 74.552. Institutions should not allow disciplinary action against a physician who, under Section 74.552, provided medical treatment to a pregnant woman while exercising reasonable medical judgment. Additionally, physicians and healthcare providers must be made aware that under Section 9.35, they are justified in providing medical treatments to pregnant women for the mentioned conditions using reasonable medical judgment.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CONTRACTUAL AGREEMENTS FOR CONTRACTOR'S OR SUBCONTRACTOR'S

[HB 3485](#) – Bell, Keith - Relating to a contractor's or subcontractor's right to elect not to proceed with additional work under a contract.

Relating to a contractor's or subcontractor's right to elect not to proceed with additional work under a contract, this legislation preserves the rights of the contractor not to execute work without prior approval. This legislation will have no impact on UTS based on current business practices.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

THE DESIGNATION OF AN ESSENTIAL CAREGIVER

[SB 52](#) - Zaffirini - Relating to the right of state hospital patients to designate an essential caregiver for in-person visitation.

SB 52 amends the Health and Safety Code pertaining to the rights of state hospital patients to appoint an "essential caregiver" for in-person visits. The definition of an essential caregiver includes family members, friends, guardians, or other individuals selected by the patient, the patient's guardian, or the

patient's legally authorized representative. Patients or their designated representatives have the right to this selection, and state hospitals cannot prohibit such visitations. The bill details the minimum requirements for these visits and outlines safety protocols for such interaction. Procedures for the revocation and replacement of an essential caregiver are outlined, a temporary suspension mechanism of caregiver visits in case of serious community health risk is provided, and it clarifies that an essential caregiver is not required to provide necessary care to the patient.

Implementation: Institutions should review and possibly amend existing patient visitation policies to incorporate the new right of patients to designate an essential caregiver.

Implementation may require additional resources for administrative tasks including documenting essential caregiver designations, managing visitation schedules, and monitoring adherence to safety protocols. Institutions might also need to establish and manage the proposed appeals process.

The bill specifies that safety protocols for essential caregivers cannot be more stringent than those for hospital staff. Therefore, institutions might need to review and potentially revise existing safety protocols to ensure they comply with this requirement.

The provision that allows for the temporary suspension of essential caregiver visits in certain situations would require institutions to monitor community health risks and adjust policies accordingly.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of General Council

Rulemaking authority: Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission.

PROHIBITION OF PRICE GOUGING BY MEDICAL STAFFING SERVICES

SB 401 - Kolkhorst - Relating to prices charged by a medical staffing services agency during certain designated public health disaster periods; providing a civil penalty.

SB 401 amends the Health and Safety Code to prohibit price gouging by medical staffing services during certain public health disaster periods, which could be triggered by a variety of incidents such as a chemical attack, biological incident, epidemic, or pandemic. This period begins either when the governor declares a state of disaster, when the president of the United States declares a state of disaster that includes an area of this state, or when such a disaster occurs, and ends 30 days after the disaster declaration expires or is terminated. The bill applies to agencies supplying specific healthcare professionals like physician assistants, surgical assistants, nurses, or nurse aides. These agencies are barred from charging exorbitant or excessive prices for their services during the defined periods. Violation of this regulation results in a civil penalty not exceeding \$10,000 for each violation and may also result in legal action from the attorney general's office. The act becomes effective from September 1, 2023, and applies to actions occurring after this date.

Implementation: Health-related institutions might need to reassess their contractual relationships with medical staffing services. It's important to note that the primary responsibility for compliance with SB

401 lies with the medical staffing agencies. The role of institutions is to ensure that they only engage with compliant agencies, particularly during the specified disaster periods.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

INFORMATION CONFIDENTIALITY MAINTAINED BY STATE LICENSING AGENCIES

SB 510 – Perry - Relating to the confidentiality of certain information maintained by state licensing agencies.

SB 510 pertains to the confidentiality of specific information retained by state licensing agencies. Key provisions include:

- Certain details, like home address, email, social security number, date of birth, and payment details, among others, associated with individuals licensed to practice law in Texas, or individuals seeking or having obtained licenses for various professions, are deemed confidential and not open for public access.
- However, basic details like the name, license number, and license status remain public.
- The legislation holds precedence over other laws that may require the release of the protected information.

Implementation: No impact. Applies only to information in the hands of state licensing agencies.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ADDRESSING A TRUST

SB 801 – Hughes - Relating to an instrument that names a trust as a party.

This bill modifies the property code to state that an instrument naming a trust as a party is deemed to have named the trustee as party (the technically correct old way of addressing a trust).

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CREATION OF THE FIFTEENTH COURT OF APPEALS

SB 1045 – Huffman - Relating to the creation of the Fifteenth Court of Appeals with jurisdiction over certain civil cases, the compensation of the justices of that court, and the jurisdiction of the courts of appeals in this state.

Currently, there are 14 courts of appeals districts, with a court of appeals in each district, and each district is composed of several Texas counties. SB 1045 creates a 15th court of appeals, the Fifteenth Court of Appeals District, composed of all the counties in Texas, with the Court held in Austin, although the Court may do its business in any county. The Court will consist of a chief justice and two other justices for its first three years, and a chief justice and four other justices thereafter.

The Court has exclusive intermediate appellate jurisdiction over the following civil matters (with original jurisdiction to issue writs arising out of these matters):

- (1) matters brought by or against the state or a board, commission, department, office, or other agency in the executive branch of the state government (including a university system or institution of higher education, e.g., UT System and its institutions), or by or against an officer or employee of these state entities arising out of that person's official conduct, excluding:
 - a proceeding brought under the Family Code;
 - a proceeding brought under the Code of Criminal Procedure regarding protective orders;
 - a proceeding brought against a district attorney, criminal district attorney, or county attorney with criminal jurisdiction;
 - a proceeding related to mental health confinement;
 - a proceeding related to civil asset forfeiture;
 - a condemnation proceeding for land acquisition or proceeding related to eminent domain;
 - a proceeding brought under Chapter 101 of the Civil Practice and Remedies Code (the Texas Tort Claims Act);
 - a claim of personal injury or wrongful death;
 - a proceeding brought under Chapter 125 of the Civil Practice and Remedies Code to enjoin a common nuisance;
 - a proceeding brought under statutory provisions governing expunction of criminal records;
 - a proceeding brought under statutory provisions governing a special three-judge district court;
 - a proceeding brought under statutory provisions governing orders of nondisclosure of criminal history record information;
 - a proceeding brought under statutory provisions governing employment discrimination;
 - a proceeding brought under statutory provisions governing the removal of county officers from office; or
 - a proceeding brought under statutory provisions governing the civil commitment of sexually violent predators;

- (2) matters in which a party to the case challenges the constitutionality or validity of a state statute or rule and the attorney general is a party to the case; and
- (3) any other matter as provided by law.

Of note, as outlined above, the new Court does not have exclusive intermediate appellate jurisdiction over a condemnation proceeding for land acquisition or proceeding related to eminent domain, a proceeding brought under the Texas Tort Claims Act, a claim for personal injury or wrongful death, or a proceeding brought under statutory provisions governing employment discrimination. The Court does not have jurisdiction in criminal actions.

The Texas Supreme Court has exclusive jurisdiction over challenges to the constitutionality of SB 1045.

This law changes the court to which a Travis County district court may request transfer of four particular actions from the Third Court of Appeals to the new 15th Court of Appeals.

The changes made by this law apply to appeals perfected on or after September 1, 2024. The new Court is not created unless the legislature specifically appropriates money for that purpose.

Implementation: Attorneys and staff in the Office of General Counsel (OGC) need to be aware of the new 15th Court of Appeals and its jurisdiction. OGC should advise the legal offices at our institutions of the new Court.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel

Rulemaking authority: Rulemaking authority is expressly granted to the Supreme Court of Texas.

RELATING TO ESTATES

SB 1373 – Hughes - Relating to decedents' estates and the delivery of certain notices or other communications in connection with those estates or multiple-party accounts.

Expands permissible service of process methods for certain estates to include hand delivery by a courier or private delivery service recognized by the IRS, not just registered or certified mail. Also expands liability of community property to the debts of a surviving spouse. There are also changes to the oath section of a declaration of someone serving as administrator of an estate.

Implementation: Many institutions receive gifts from estates and/or lawsuits about estate gifts. They will need to be prepared for such potential alternative service methods. They may also need to update the oath section in agreements to serve as administrator.

Effective Date: 09/01/2023

Responsible Party: UT System Office of Gift Administration, Compliance and Advancement Services and Institutional Development Offices should be made aware of the changes to the oath sections.

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REGULATION OF STATE TRUST COMPANIES

SB 1646 – Parker - Relating to the regulation of state trust companies.

This bill slightly loosens regulations on state trust companies by eliminating the need to dispose of real estate within 5 years.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DUTIES OF REAL PROPERTY APPRAISERS UNDER GOVERNMENT CONTRACTS

SB 1766 – Creighton - Relating to indemnification and duties of real property appraisers under certain governmental contracts.

Ensures that appraisers cannot be held liable for the negligence or mistakes made by a governmental entity. Under this legislation, provisions of contracts for appraisal services, or a promise in connection with the contract, is void and unenforceable if the provision requires a licensed appraiser to indemnify or hold harmless a governmental agency against liability for damage. S.B. 1766 does not prohibit a governmental agency from including in and enforcing a provision in a contract.

Implementation: Minimal fiscal implications. Will require modifications to existing templates and rules prior to the effective date of Sept. 1, 2023. Work in collaboration with Contracts department, Office of Real Estate, Office of Risk Management (General liability) and Office of General Counsel (OGC).

Effective Date: 09/01/2023

Responsible Party: Contracts department within Office of the Controller, Office of Real Estate, Office of Risk Management, and Office of General Counsel (OGC).

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROHIBITION OF CERTAIN SOCIAL MEDIA APPLICATIONS ON GOVERNMENT OWNED/LEASED DEVICES

SB 1893 – Birdwell - Relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities.

Author's statement of intent is "C.S.S.B. 1893 amends current law relating to prohibiting the use of social media applications and services on devices owned or leased by governmental entities." It is similar but also rather different than the [Governor's Banned Technologies directive](#).

- Statute requires each legislative/executive/judicial state agency (including IHE) and state political subdivisions, to adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by that agency. It also requires the removal of covered applications from the device.
- "device" is not defined in statute.
- Covered application is defined as 1) social media service Tik Tok or any successor application or service developed or provided by ByteDance Ltd; or a social media application or service specified by proclamation by the governor.
- Statute defines the characteristics that poses a threat to the state.
- DIR/DPS jointly will develop a model policy and we have 60 days from its publication to adopt ours. There is no stated deadline for DPS/DIR
- There is NO exception process and only two exceptions are defined: providing law enforcement and developing/implementing information security measures.
- Annually DPS/DIR jointly may identify additional social media applications or services that pose a risk. DIR will submit this list to the Governor and publish the list publicly on its web site and periodically update same.

Implementation: Implementation will be highly dependent on whether/when Governors rescinds his current Banned Technologies directive. If he does not rescind, then it is likely when we see the updated model policy, that the changes will reflect that for covered applications that there are only the two exceptions and no exception process for additional exceptions. If Governor rescinds the Banned Tech directive with the publishing of the covered application model policy and/or our policy, then that model policy (and ours) will likely be significantly different as statute does not have certain requirements in it that are in the Governor's directive:

- It is likely that device will continue to be defined as in Banned Tech directive (basically as an end user device like computer, tablet, phone, etc. that connects to the Internet). "prohibit" will continue to mean policy level requirement, as in Banned Tech directive interpretation by DIR, versus overt action by IHE such as use of MDM software or review/removal by central IT.
- Covered applications may be interpreted as only social media applications and social media services and hence not include non-social media items nor hardware (e.g., DJII drones).
- Personal devices of employees/contractors will not be included in the policy.
- Covered applications will not be required to be blocked on IHE networks.
- Use of devices, including person devices, in secured locations will not be included in the policy.
- IHE policy does not need to be approved, only adopted.

Attention will also be needed, as in Banned Tech directive, on how best to handle e-sports and e-sports labs; depending on final definitions of covered applications this may no longer be the issue it is currently.

All of the above must be addressed by our adopted policy but we will first need to see the model policy and also know about Banned Tech directive status.

Effective Date: Effective June 14, 2023. Effective compliance date for IHE is publishing our policy, based on model policy by DIR/DPS, within 60 days of model policy publication.

Responsible Party: Office of Information Security & Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Human Resources

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Human Resources

HAIR TEXTURE

HB 567 - Bowers - Relating to discrimination on the basis of hair texture or protective hairstyle associated with race.

HB 567 amends the Education Code, Labor Code, and Property Code to prohibit discrimination against a hair texture or protective hairstyle commonly or historically associated with race, including braids, locks, and twists. Any student dress or grooming policy adopted by a school district or institution of higher education, including ones for extracurricular activities may not discriminate against a hair texture or protective hairstyle.

The bill lays out that employers, labor unions, employment agencies, and housing authorities are acting unlawfully if they adopt or enforce policies that discriminate against hair texture or protective hairstyles commonly or historically associated with race. Amendments to the Labor Code and Property Code apply only to an unlawful employment practice or discriminatory housing practice that occurs on or after the effective date of this Act.

Implementation: All policies regarding student dress and grooming must be revised to explicitly prohibit discrimination based on hair texture or protective hairstyles. This includes any rules or guidelines for extracurricular activities.

Possible update to Regent [Rule 10701: Policy Against Discrimination](#);

Subsequently, possible update to [HOP 3.1.1 Equal Employment Opportunity](#).

Effective date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of Human Resources (Johnny Reyes)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REPORTING WORKPLACE VIOLENCE AND SUSPICIOUS ACTIVITY PROCEDURES

HB 915 – Craddick - Relating to a requirement that employers post notice of certain information regarding reporting instances of workplace violence or suspicious activity.

HB 915 requires Texas employers to post visible notices informing employees about the procedure for reporting workplace violence or suspicious activity to the Department of Public Safety. Notices must be in English and Spanish and located in convenient areas for all employees. The Texas Workforce Commission will determine the content and form of these notices, in consultation with the Department of Public Safety, and should include the right to anonymous reporting.

Implementation: Determine if existing compliance hotline will be utilized for this purpose or if a separate hotline should be created.

Effective Date: 09/01/2023

Responsible Party: Office of Human Resources (Stephanie Gil)

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Workforce Commission.

MENTAL HEALTH LEAVE FOR TELECOMMUNICATORS

HB 1486 – Gerdes - Relating to the adoption of a mental health leave policy for certain telecommunicators.

HB 1486 requires law enforcement agencies employing full-time telecommunicators to develop and adopt policy for mental health leave. This policy will apply to employees who experience traumatic events in the course of their duties. The policy must define the conditions under which leave can be taken, assure no salary deduction during leave, specify the number of leave days available, and detail the anonymity level for employees taking such leave.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of Human Resources (Lesley Ducran)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

EMPLOYEE TRANSFERS WITHIN THE SAME AGENCY

HB 2157 – Metcalf - Relating to the salary of certain employees who transfer within a state agency.

HB 2157 affects Texas employees who voluntarily transfer within the same agency to a different role of the same title and salary group. Effective September 1, 2023, the annual salary rate of an employee post-transfer can be set at any rate within the appropriate salary group if the job was publicly listed, the employee voluntarily applied, and they agreed to the publicly listed salary. The bill applies only to position transfers that occur on or after the effective date. Prior transfers are governed by former laws.

Implementation: No impact. This only affects positions in the state's position classification system.

Effective Date: 09/01/2023

Responsible Party: Office of Human Resources (John Feeney)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

GROUP BENEFITS PROGRAM FOR ISD STATE RETIREES

HB 3813 – DeAyala - Relating to eligibility to participate as an annuitant in the state employees group benefits program.

HB 3813 modifies the eligibility for participation in the state employees group benefits program for Texas state retirees. Eligibility now extends to individuals who have at least 10 years' service in their last employment with a school district, with a minimum of 10 years of eligible service credit, including up to 5 years of military service, or those who have 5 years' service and are the sole surviving spouse of military personnel killed in action. They must retire under the jurisdiction of the Teacher Retirement System of Texas, meeting certain age and service credit requirements. Prior retirees remain governed by previous laws.

Implementation: No impact. This bill applies to employees of independent school districts. The human resources office will confirm with the Office of Employee Benefits that this has no impact on UT retiree eligibility requirements.

Effective Date: 09/01/2023

Responsible Party: Office of Human Resources (Johnny Reyes)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

COST OF LIVING ADJUSTMENT TO THE TEXAS TEACHER RETIREMENT SYSTEM OF TEXAS

HJR 2 – Bonnen - Proposing a constitutional amendment authorizing the 88th Legislature to provide a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas.

HJR 2 proposes a constitutional amendment, to be presented to voters on November 7, 2023, that would enable the legislature to provide a cost-of-living adjustment to select annuitants of the Teacher Retirement System of Texas. The authorization relies on the system's actuarial soundness, assessed in February 2023. If approved, the Legislature may allocate funds from the general revenue for this purpose. Such an appropriation would be considered as if it were an allocation of constitutionally dedicated revenues. The proposed amendment would expire on September 1, 2025.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of Human Resources (Johnny Reyes)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

BENEFITS PAID BY THE TEACHER RETIREMENT SYSTEM OF TEXAS

SB 10 – Huffman - Relating to certain benefits paid by the Teacher Retirement System of Texas.

SB 10 pertains to a one-time cost-of-living adjustment by the Teacher Retirement System for eligible annuitants receiving a monthly death or retirement benefit annuity, beginning January 2024. It also provides a one-time supplemental payment to annuitants who are at least 70 years old, with the payment amount based on age. The payments are subject to legislative appropriation and other criteria. Some retirees and beneficiaries are excluded from these adjustments and supplemental payments.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of Human Resources (Johnny Reyes)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PAID LEAVE BENEFITS RELATING TO THE BIRTH OR ADOPTION OF A CHILD

SB 222 – Nichols - Relating to paid leave by certain state employees for the birth or adoption of a child.

SB 222 extends paid leave provisions for state employees, in connection with the birth or adoption of a child. It entitles an eligible state employee to 40 days of paid leave for the birth of their child, or 20 days for the birth of their spouse's child, a child born via gestational surrogate, or the adoption of a child. It is made clear that this paid leave does not require the prior use of other available paid leave options nor does it grant any additional employment rights or protections.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of Human Resources (Lesley Ducran)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

WORKPLACE VIOLENCE PREVENTION IN HEALTH FACILITIES

SB 240 – Campbell - Relating to workplace violence prevention in certain health facilities.

SB 240 amends the Health and Safety Code to establish workplace violence prevention measures for health facilities. The bill defines relevant terms and mandates the creation of a workplace violence prevention committee within each qualifying facility. The committee is tasked with developing and implementing a comprehensive violence prevention plan, providing at least annual training for employees, establishing protocols for incident response and investigation, and facilitating the communication of this plan to all staff. The bill emphasizes the protection of employees from retaliation for reporting workplace violence and outlines disciplinary actions for violations of this Act.

Implementation: Health-related institutions should establish a workplace violence prevention committee and establish protocols for responding to incidents of violence, ensuring that these measures are implemented by September 1, 2024.

Effective Date: 09/01/2023

Responsible Party: Office of Health Affairs & Office of Human Resources (Lesley Ducran)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

EMPLOYEMENT PREFERENCES FOR MILITARY MEMBERS/SPOUSES

SB 1376 – Parker - Relating to an employment preference for members of the military and their spouses for positions at state agencies.

SB 1376 enhances employment preferences for military members, veterans, their spouses, and dependents at state agencies, including universities. It expands the definition of those qualified for military employment preference, comprising not just veterans, but also active duty spouses and spouses of veterans with substantial disabilities. It mandates agencies to include military employment preference in hiring and promotes the role of a liaison for veterans and military members. The act also acts against fraudulent use of military records to secure employment preferences. The changes will be applicable to positions opened after the act's effective date of September 1, 2023.

Implementation: Will require update to [HOP 3.1.3 Hiring, Promotion, and Transfer of Employees | University and, HOP 3.1.1 Equal Employment Opportunity | University of Texas System](#). Will require update of language from veteran to military and specifically incorporate added preference for disabled veteran spouses. Updates to PeopleSoft, may be required.

Effective Date: 09/01/2023

Responsible Party: Office of Human Resources (Stephanie Gil)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TIME OFF COMPENSATION FOR STATE EMPLOYEES

SB 2214 – Blanco - Relating to compensatory time off for certain state employees.

SB 2214 modifies Section 662.005(b) of the Government Code to offer compensatory time off to certain state employees working on national or state holidays falling on weekends. This applies to Department of Family and Protective Services employees in abuse/neglect intake, peace officers commissioned by state entities, Department of Public Safety employees involved in traffic law enforcement communications or public security, and Parks and Wildlife Department employees assisting law enforcement. They receive one hour of compensatory time off for each hour worked on such holidays.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of Human Resources (Lesley Ducran)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Information Security

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| HB 18 – Slawson - Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school. | 150 |
| HB 1184 – Rose - Relating to access to criminal history record information for use in certain research or statistical projects. | 150 |
| HB 2060 – Capriglione - Relating to the creation of the artificial intelligence advisory council..... | 151 |
| SB 271 – Johnson - Relating to state agency and local government security incident procedures..... | 152 |
| SB 621 – Parker - Relating to the position of chief information security officer in the Department of Information Resources. | 152 |
| SB 768 – Parker - Relating to the process for notifying the attorney general of a breach of security of computerized data by persons doing business in this state. | 153 |
| SB 1893 – Birdwell - Relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities. | 153 |

Information Security

SECURING CHILDREN ONLINE THROUGH PARENTAL EMPOWERMENT ACT

HB 18 – Slawson - Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school.

HB 18 “Securing Children Online through Parental Empowerment” Act is a privacy bill. There is no direct impact on UT System as it is exempt unless OGC says any of it applies to any k-12 schools that UT controls. The bill may affect vendors we contract with and OGC will need to determine if any additional contract clauses may be required. It may also reduce our pool of vendors in the affected area.

Consult with: Cristina Blanton, Scott Patterson, & Helen Mohrmann.

Implementation: For Article 3, OGC to immediately determine if this Article applies to any k-12 entities that UT controls.

For the rest of the bill, OGC to determine prior to September 1, 2024, if:

1. We need any additional contract clauses (note, I don’t believe so); and
2. If portions other than Article 3 apply to any k-12 schools that UT operates.

Effective Date: 09/01/2024 except for Article 3 that takes effect immediately (for k-12 schools).

Responsible Party: Office of General Council will provide guidance on responsible party, but likely the Privacy Officer.

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ACCESS TO CRIMINAL RECORDS FOR RESEARCH PURPOSES

HB 1184 – Rose - Relating to access to criminal history record information for use in certain research or statistical projects.

To expand research in the criminal justice sector HB 1184 amends the Government Code to require the Department of Public Safety (DPS) of the state of Texas in addition to authorized entities, to grant access to criminal history record information to public and private institutions of higher education for research purposes. The bill also authorizes such research to be funded in whole or in part by a criminal justice grant or government fund.

Implementation: Institutions may need to implement strict data management procedures to maintain the security and confidentiality of criminal history record information.

Effective Date: 09/01/2023

Responsible Party: Office of Information Technology & Office of Information Security

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ARTIFICIAL INTELLIGENCE ADVISORY COUNCIL

HB 2060 – Capriglione - Relating to the creation of the artificial intelligence advisory council.

HB 2060 establishes an artificial intelligence (AI) advisory council; and requires each legislative/executive branch state agency, including each institution of higher education, to provide, no later than 1 July 2024, an “automated decision systems (ADS) inventory” of all such systems that are being developed, employed, or procured by the agency/IHE.

- The subchapter and AI council is abolished January 1, 2025.
- The inventory is a onetime event.
- The AI council has little immediate impact on IHE although some of its members may come from IHE and may have significant time commitments.
- The ADS inventory will directly impact each IHE as each IHE will need to identify all such ADS systems, perform required research, and answer more than a dozen detailed questions using the required form, its contents requirements, and the manner of submission, as designed by the AI council and DIR.
- We will only have 4 months to do this work if the bill’s dates are adhered with.

Implementation:

- The AI council will be selected by designated people (none in IHE) but no timeline is defined. OGR may be able to provide suggestions especially for the academic professional in IHE specializing in ethics; the academic professional in IHE who specializes in AI; an expert in law enforcement usage of AI; and an expert in constitutional and legal rights leveraging Academic Affairs, OGC, and ODOP.
- For the inventory, its anticipated that either/both the chancellor/president of each institution of higher education and the IRM of each institution will receive a notice from DIR when the form and its required contents description and its manner of submission is ready. From experience in similar matters, the 1 March 2024 deadline may not be made. The deadline for submission is in the bill but it could, although not authorized in the bill, be changed by the AI council and DIR. The statute designated by 1 July 2024.
- The amount of effort will be determined by the AI council and DIR. For example, in Vermont, they limited the inventory to systems that might significantly negatively impact Vermont residents, which reduced the count to tens of systems. Challenges will include getting clear definitions of what is to be inventoried, finding the items, and then doing the research. The AI council could greatly simplify the work by limiting the inventory to “automated final decision systems” and/or identifying/listing already known ADS systems and types of such systems (in case of development) for us to locate.
- Nothing in the bill indicates that ITCHE or other stakeholders will have input into the process of the AI council and DIR.

Effective Date: 09/01/2023

Responsible Party: Once the scope of the inventory is determined, it’s recommend that the chancellor/president should designate an appropriate for that IHE team and the team leads to compile and

deliver the required inventory for the required submission date. In general, much of the ADS software may lie outside the direct portfolio of the CIO (e.g., law enforcement and business line specific systems in academic and health)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECURITY INCIDENT PROCEDURES

SB 271 – Johnson - Relating to state agency and local government security incident procedures.

- Defines security incident as breach or suspected breach and now explicitly includes introduction of ransomware into a computer, computer network or computer system. Breach and suspected breach were language already in the existing statute so no change for IHE. If IHE were not including ransomware in their reporting, this may result in a change of procedure.
- Moves 2054.1125 to now be 2054.603 which may require updates to information security documentation.
- Statute now includes local government as well as state agency (although this change has no impact on IHE).
- Statute now requires that IHE comply with all DIR rules relating to reporting security incidents under this statute section (no apparent change for IHE).

Implementation: Information Security office will need to update any language referencing the old statute location as well as include any ransomware attacks as required by statute as of September 1, 2023. Note: the terminology of “Introduction of ransomware” may require interpretation.

Effective Date: 09/01/2023

Responsible Party: Office of Information Security & Chief Information Security Officer

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

POSITION OF CHIEF INFORMATION SECURITY OFFICER

SB 621 – Parker - Relating to the position of chief information security officer in the Department of Information Resources.

Defines the position in DIR for a Chief Information Security Officer (CISO) as assigns certain duties to that officer. The bill now includes an error as it references 2054.1125 that has been moved by another bill (SB 271) to be 2054.603. Duties of the CISO include: implementing the duties assigned in statute; responding to the reports received in 2054.1125; developing a statewide information security framework; overseeing the development of state wide information security policies and standards; collaborating with state agencies (including IHE) etc. that operate or exercise control over state information or state-controlled data (note, a very broad definition) to strengthen policies, standards and guidelines; oversee the

implementation; provide leadership, strategic direction and coordination; and provide strategic direction to the NOC, STCs and reports required by 2054.0591.

Implementation: CISO office needs to review if any of this results in a change as of 1 Sept 2023 and determine how to address any such change by September 1, 2023.

Effective Date: 09/01/2023

Responsible Party: Office of Information Security

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

NOTIFICATION OF SECURITY BREACH TO ATTORNEY GENERAL

SB 768 – Parker - Relating to the process for notifying the attorney general of a breach of security of computerized data by persons doing business in this state.

SB 768 pertains to the procedure for notifying the Texas Attorney General regarding security breaches of computerized data by entities conducting business in Texas. The bill amends Sections 521.053(i) and (j) of the Business & Commerce Code, reducing the notification time from 60 to 30 days following the determination of a breach affecting at least 250 Texas residents. Entities must electronically submit a comprehensive report detailing the breach's nature, affected residents, and subsequent measures taken, among other specifics, via a form on the Attorney General's website. The Attorney General is then mandated to post and regularly update a listing of these notifications on their public website, ensuring sensitive and confidential information remains excluded.

Implementation: No impact. Applies to commercial entities.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROHIBITION OF CERTAIN SOCIAL MEDIA APPLICATIONS ON GOVERNMENT OWNED/LEASED DEVICES

SB 1893 – Birdwell - Relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities.

Author's statement of intent is "C.S.S.B. 1893 amends current law relating to prohibiting the use of social media applications and services on devices owned or leased by governmental entities." It is similar but also rather different than the [Governor's Banned Technologies directive](#).

- Statute requires each legislative/executive/judicial state agency (including IHE) and state political subdivisions, to adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by that agency. It also requires the removal of covered applications from the device.
- “device” is not defined in statute.
- Covered application is defined as 1) social media service Tik Tok or any successor application or service developed or provided by ByteDance Ltd; or a social media application or service specified by proclamation by the governor.
- Statute defines the characteristics that poses a threat to the state.
- DIR/DPS jointly will develop a model policy and we have 60 days from its publication to adopt ours. There is no stated deadline for DPS/DIR
- There is NO exception process and only two exceptions are defined: providing law enforcement and developing/implementing information security measures.
- Annually DPS/DIR jointly may identify additional social media applications or services that pose a risk. DIR will submit this list to the Governor and publish the list publicly on its web site and periodically update same.

Implementation: Implementation will be highly dependent on whether/when Governors rescinds his current Banned Technologies directive. If he does not rescind, then it is likely when we see the updated model policy, that the changes will reflect that for covered applications that there are only the two exceptions and no exception process for additional exceptions. If Governor rescinds the Banned Tech directive with the publishing of the covered application model policy and/or our policy, then that model policy (and ours) will likely be significantly different as statute does not have certain requirements in it that are in the Governor’s directive:

- It is likely that device will continue to be defined as in Banned Tech directive (basically as an end user device like computer, tablet, phone, etc. that connects to the Internet). “prohibit” will continue to mean policy level requirement, as in Banned Tech directive interpretation by DIR, versus overt action by IHE such as use of MDM software or review/removal by central IT.
- Covered applications may be interpreted as only social media applications and social media services and hence not include non-social media items nor hardware (e.g., DJII drones).
- Personal devices of employees/contractors will not be included in the policy.
- Covered applications will not be required to be blocked on IHE networks.
- Use of devices, including person devices, in secured locations will not be included in the policy.
- IHE policy does not need to be approved, only adopted.

Attention will also be needed, as in Banned Tech directive, on how best to handle e-sports and e-sports labs; depending on final definitions of covered applications this may no longer be the issue it is currently.

All of the above must be addressed by our adopted policy but we will first need to see the model policy and also know about Banned Tech directive status.

Effective Date: Effective June 14, 2023. Effective compliance date for IHE is publishing our policy, based on model policy by DIR/DPS, within 60 days of model policy publication.

Responsible Party: Office of Information Security & Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Information Technology

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| HB 18 – Slawson - Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school. | 157 |
| HB 1184 – Rose - Relating to access to criminal history record information for use in certain research or statistical projects. | 157 |
| HB 2060 – Capriglione - Relating to the creation of the artificial intelligence advisory council..... | 158 |
| HB 4553 – Longoria - Relating to the eligibility of certain entities for services and commodity items provided by the Department of Information Resources and statewide technology centers. | 159 |
| HJR 125 – Ashby - Proposing a constitutional amendment creating the broadband infrastructure fund to expand high-speed broadband access and assist in the financing of connectivity projects. | 159 |
| SB 271 – Johnson - Relating to state agency and local government security incident procedures..... | 160 |
| SB 621 – Parker - Relating to the position of chief information security officer in the Department of Information Resources. | 161 |
| SB 1238 – Nichols - Relating to broadband development..... | 161 |
| SB 1243 – Huffman - Relating to the franchise tax treatment of certain broadband grants made for the purposes of broadband deployment in this state. | 162 |
| SB 1893 – Birdwell - Relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities. | 162 |
| SB 2119 – Schwertner - Relating to the identification of locations receiving broadband and certain telecommunications services. | 163 |

Information Technology

SECURING CHILDREN ONLINE THROUGH PARENTAL EMPOWERMENT ACT

HB 18 – Slawson - Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school.

HB 18 “Securing Children Online through Parental Empowerment” Act is a privacy bill. There is no direct impact on UT System as it is exempt unless OGC says any of it applies to any k-12 schools that UT controls. The bill may affect vendors we contract with and OGC will need to determine if any additional contract clauses may be required. It may also reduce our pool of vendors in the affected area.

Consult with: Cristina Blanton, Scott Patterson, & Helen Mohrmann.

Implementation: For Article 3, OGC to immediately determine if this Article applies to any k-12 entities that UT controls.

For the rest of the bill, OGC to determine prior to September 1, 2024, if:

1. We need any additional contract clauses (note, I don’t believe so); and
2. If portions other than Article 3 apply to any k-12 schools that UT operates.

Effective Date: 09/01/2024 except for Article 3 that takes effect immediately (for k-12 schools).

Responsible Party: Office of General Council will provide guidance on responsible party, but likely the Privacy Officer.

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ACCESS TO CRIMINAL RECORDS FOR RESEARCH PURPOSES

HB 1184 – Rose - Relating to access to criminal history record information for use in certain research or statistical projects.

To expand research in the criminal justice sector HB 1184 amends the Government Code to require the Department of Public Safety (DPS) of the state of Texas in addition to authorized entities, to grant access to criminal history record information to public and private institutions of higher education for research purposes. The bill also authorizes such research to be funded in whole or in part by a criminal justice grant or government fund.

Implementation: Institutions may need to implement strict data management procedures to maintain the security and confidentiality of criminal history record information.

Effective Date: 09/01/2023

Responsible Party: Office of Information Technology & Office of Information Security

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ARTIFICIAL INTELLIGENCE ADVISORY COUNCIL

HB 2060 – Capriglione - Relating to the creation of the artificial intelligence advisory council.

HB 2060 establishes an artificial intelligence (AI) advisory council; and requires each legislative/executive branch state agency, including each institution of higher education, to provide, no later than 1 July 2024, an “automated decision systems (ADS) inventory” of all such systems that are being developed, employed, or procured by the agency/IHE.

- The subchapter and AI council is abolished January 1, 2025.
- The inventory is a onetime event.
- The AI council has little immediate impact on IHE although some of its members may come from IHE and may have significant time commitments.
- The ADS inventory will directly impact each IHE as each IHE will need to identify all such ADS systems, perform required research, and answer more than a dozen detailed questions using the required form, its contents requirements, and the manner of submission, as designed by the AI council and DIR.
- We will only have 4 months to do this work if the bill’s dates are adhered with.

Implementation:

- The AI council will be selected by designated people (none in IHE) but no timeline is defined. OGR may be able to provide suggestions especially for the academic professional in IHE specializing in ethics; the academic professional in IHE who specializes in AI; an expert in law enforcement usage of AI; and an expert in constitutional and legal rights leveraging Academic Affairs, OGC, and ODOP.
- For the inventory, its anticipated that either/both the chancellor/president of each institution of higher education and the IRM of each institution will receive a notice from DIR when the form and its required contents description and its manner of submission is ready. From experience in similar matters, the 1 March 2024 deadline may not be made. The deadline for submission is in the bill but it could, although not authorized in the bill, be changed by the AI council and DIR. The statute designated by 1 July 2024.
- The amount of effort will be determined by the AI council and DIR. For example, in Vermont, they limited the inventory to systems that might significantly negatively impact Vermont residents, which reduced the count to tens of systems. Challenges will include getting clear definitions of what is to be inventoried, finding the items, and then doing the research. The AI council could greatly simplify the work by limiting the inventory to “automated final decision systems” and/or identifying/listing already known ADS systems and types of such systems (in case of development) for us to locate.
- Nothing in the bill indicates that ITCHE or other stakeholders will have input into the process of the AI council and DIR.

Effective Date: 09/01/2023

Responsible Party: Once the scope of the inventory is determined, it's recommend that the chancellor/president should designate an appropriate for that IHE team and the team leads to compile and deliver the required inventory for the required submission date. In general, much of the ADS software may lie outside the direct portfolio of the CIO (e.g., law enforcement and business line specific systems in academic and health)

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REVISIONS TO COMMODITY PROCUREMENT AND TELECOMMUNICATIONS

HB 4553 – Longoria - **Relating to the eligibility of certain entities for services and commodity items provided by the Department of Information Resources and statewide technology centers.**

HB 4553 clarifies and revises terminology surrounding the procurement and administration of "commodity items" such as software, hardware, and technology services by eligible entities. The term "eligible entity" now refers to a broader range of organizations, as defined by Section 2054.375. These entities can procure commodity items through the Department of Information Resources and can be charged an administrative fee. This fee's revenue may be appropriated to the department for the development of statewide information resources technology policies and the provision of shared resources.

Additionally, the bill expands on which entities can contract with the Department for the use of the consolidated telecommunications system. This includes legislative bodies, courts, state governmental entities, local governments, various educational institutions, public safety entities, hospitals, and other specified organizations. Notably, Sections 418.193 and 418.194 of the Government Code, which might have provided restrictions or stipulations on certain entities, are repealed.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

BROADBAND INFRASTRUCTURE FUND

HJR 125 – Ashby - **Proposing a constitutional amendment creating the broadband infrastructure fund to expand high-speed broadband access and assist in the financing of connectivity projects.**

HJR 125 proposes a constitutional amendment to create the "Broadband Infrastructure Fund." This fund is dedicated to expanding access to high-speed broadband and supporting connectivity projects. Resources

for the fund will be derived from transfers, dedicated revenue, investment earnings, and donations. Managed by the Comptroller of Public Accounts, the fund will support the development, operation, and expansion of broadband and telecommunications infrastructure and services. The legislation also outlines how assets from the fund can be utilized, allowing for collaboration with federal funds. Unless extended, this provision is set to expire on September 1, 2035. Voters will decide on this proposal on November 7, 2023.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECURITY INCIDENT PROCEDURES

SB 271 – Johnson - Relating to state agency and local government security incident procedures.

- Defines security incident as breach or suspected breach and now explicitly includes introduction of ransomware into a computer, computer network or computer system. Breach and suspected breach were language already in the existing statute so no change for IHE. If IHE were not including ransomware in their reporting, this may result in a change of procedure.
- Moves 2054.1125 to now be 2054.603 which may require updates to information security documentation.
- Statue now includes local government as well as state agency (although this change has no impact on IHE).
- Statute now requires that IHE comply with all DIR rules relating to reporting security incidents under this statute section (no apparent change for IHE).

Implementation: Information Security office will need to update any language referencing the old statue location as well as include any ransomware attacks as required by statute as of September 1, 2023. Note: the terminology of “Introduction of ransomware” may require interpretation.

Effective Date: 09/01/2023

Responsible Party: Office of Information Security & Chief Information Security Officer

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

POSITION OF CHIEF INFORMATION SECURITY OFFICER

SB 621 – Parker - Relating to the position of chief information security officer in the Department of Information Resources.

Defines the position in DIR for a Chief Information Security Officer (CISO) as assigns certain duties to that officer. The bill now includes an error as it references 2054.1125 that has been moved by another bill (SB 271) to be 2054.603. Duties of the CISO include: implementing the duties assigned in statute; responding to the reports received in 2054.1125; developing a statewide information security framework; overseeing the development of state wide information security policies and standards; collaborating with state agencies (including IHE) etc. that operate or exercise control over state information or state-controlled data (note, a very broad definition) to strengthen policies, standards and guidelines; oversee the implementation; provide leadership, strategic direction and coordination; and provide strategic direction to the NOC, STCs and reports required by 2054.0591.

Implementation: CISO office needs to review if any of this results in a change as of 1 Sept 2023 and determine how to address any such change by September 1, 2023.

Effective Date: 09/01/2023

Responsible Party: Office of Information Security

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

BROADBAND DEVELOPMENT

SB 1238 – Nichols - Relating to broadband development.

Updates existing broadband act, but the bill does not directly impact IHE (except indirectly where there may be benefits to our students, faculty/staff, and patients).

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority is expressly granted to the Comptroller of Public Accounts.

FRANCHISE TAX TREATMENT OF BROADBAND GRANTS

SB 1243 – Huffman - Relating to the franchise tax treatment of certain broadband grants made for the purposes of broadband deployment in this state.

Bill addresses certain franchise tax treatment for certain broadband grants made for the purpose of broadband development in Texas. The bill does not directly impact IHE.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of Information Technology

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROHIBITION OF CERTAIN SOCIAL MEDIA APPLICATIONS ON GOVERNMENT OWNED/LEASED DEVICES

SB 1893 – Birdwell - Relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities.

Author’s statement of intent is “C.S.S.B. 1893 amends current law relating to prohibiting the use of social media applications and services on devices owned or leased by governmental entities.” It is similar but also rather different than the [Governor’s Banned Technologies directive](#).

- Statute requires each legislative/executive/judicial state agency (including IHE) and state political subdivisions, to adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by that agency. It also requires the removal of covered applications from the device.
- “device” is not defined in statute.
- Covered application is defined as 1) social media service Tik Tok or any successor application or service developed or provided by ByteDance Ltd; or a social media application or service specified by proclamation by the governor.
- Statute defines the characteristics that poses a threat to the state.
- DIR/DPS jointly will develop a model policy and we have 60 days from its publication to adopt ours. There is no stated deadline for DPS/DIR
- There is NO exception process and only two exceptions are defined: providing law enforcement and developing/implementing information security measures.
- Annually DPS/DIR jointly may identify additional social media applications or services that pose a risk. DIR will submit this list to the Governor and publish the list publicly on its web site and periodically update same.

Implementation: Implementation will be highly dependent on whether/when Governors rescinds his current Banned Technologies directive. If he does not rescind, then it is likely when we see the updated model policy, that the changes will reflect that for covered applications that there are only the two exceptions and no exception process for additional exceptions. If Governor rescinds the Banned Tech directive with the publishing of the covered application model policy and/or our policy, then that model

policy (and ours) will likely be significantly different as statute does not have certain requirements in it that are in the Governor’s directive:

- It is likely that device will continue to be defined as in Banned Tech directive (basically as an end user device like computer, tablet, phone, etc. that connects to the Internet). “prohibit” will continue to mean policy level requirement, as in Banned Tech directive interpretation by DIR, versus overt action by IHE such as use of MDM software or review/removal by central IT.
- Covered applications may be interpreted as only social media applications and social media services and hence not include non-social media items nor hardware (e.g., DJII drones).
- Personal devices of employees/contractors will not be included in the policy.
- Covered applications will not be required to be blocked on IHE networks.
- Use of devices, including person devices, in secured locations will not be included in the policy.
- IHE policy does not need to be approved, only adopted.

Attention will also be needed, as in Banned Tech directive, on how best to handle e-sports and e-sports labs; depending on final definitions of covered applications this may no longer be the issue it is currently.

All of the above must be addressed by our adopted policy but we will first need to see the model policy and also know about Banned Tech directive status.

Effective Date: Effective June 14, 2023. Effective compliance date for IHE is publishing our policy, based on model policy by DIR/DPS, within 60 days of model policy publication.

Responsible Party: Office of Information Security & Office of General Council

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

LOCATION DETAILS REGARDING BOARDBAND SERVICES

[SB 2119](#) – Schwertner - Relating to the identification of locations receiving broadband and certain telecommunications services.

SB 2119 mandates the Public Utility Commission to develop, update annually, and make publicly accessible via its website a map detailing locations in Texas that have access to reliable broadband service at specified speeds and are serviced by particular telecommunications providers. This map will also highlight areas meeting both criteria. The comptroller will offer assistance in map creation and updates. An annual report outlining areas satisfying both conditions must be presented to key governmental officials by December 1. The initial report is due December 1, 2024.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Law Enforcement

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| HB 3 – Burrows - Relating to measures for ensuring public school safety, including the development and implementation of purchases relating to and funding for public school safety and security requirements and the provision of safety-related resources..... | 168 |
| HB 6 – Goldman - Relating to the designation of fentanyl poisoning or fentanyl toxicity for purposes of the death certificate and to the criminal penalties for certain controlled substance offenses; increasing a criminal penalty..... | 169 |
| HB 30 – Moody - Relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law..... | 170 |
| HB 64 – Landgraf - Relating to the peace officers authorized to operate an authorized emergency vehicle used to conduct a police escort..... | 170 |
| HB 446 – Craddick - Relating to the terminology used in statute to refer to intellectual disability and certain references to abolished health and human services agencies..... | 171 |
| HB 467 – Craddick - Relating to the limitations period for certain criminal offenses based on assaultive conduct..... | 172 |
| HB 471 – Patterson - Relating to the entitlement to and claims for benefits for certain first responders and other employees related to illness and injury..... | 172 |
| HB 568 – Bowers - Relating to education and training for peace officers on interacting with persons with Alzheimer's disease and other dementias..... | 173 |
| HB 611 – Capriglione - Relating to the creation of the criminal offense of unlawful disclosure of residence address or telephone number..... | 174 |
| HB 660 – Cook - Relating to the enforcement and administration of certain protective orders..... | 174 |
| HB 767 – Harless - Relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond for stalking offenses..... | 175 |
| HB 844 – Patterson - Relating to crime victims' compensation for criminally injurious conduct in connection with trafficking of persons..... | 176 |
| HB 1486 – Gerdes - Relating to the adoption of a mental health leave policy for certain telecommunicators..... | 176 |
| HB 1633 – Ortega - Relating to certain offenses regarding parking privileges of veterans with disabilities..... | 177 |
| HB 1760 – Hefner - Relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions..... | 178 |
| HB 1959 – Noble - Relating to the transfer of certain public-school students who are children of peace officers..... | 178 |
| HB 2660 – Oliverson - Relating to duties and procedures and to training programs for law enforcement agencies regarding missing children and missing persons..... | 179 |
| HB 3553 – Thierry - Relating to increasing the criminal penalty for certain offenses if committed at certain locations..... | 180 |
| HB 3858 – Frazier - Relating to peace officer wellness programs within certain law enforcement agencies..... | 180 |

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Law Enforcement

PUBLIC SCHOOL SAFETY-RELATED RESOURCE PROVISIONS

HB 3 – Burrows - Relating to measures for ensuring public school safety, including the development and implementation of purchases relating to and funding for public school safety and security requirements and the provision of safety-related resources.

HB 3 amends the Education Code, Government Code, and the Local Government Code.

- Requires the commissioner of education to review and amend rules necessary to ensure that district and open enrollment charter facilities standards continue to provide a secure and safe environment.
- Regional education service centers (ESC) would serve as resources for school districts and open enrollment charters for safety and security and provide assistance to school safety review teams. ESCs, directly or in collaboration with the Texas School Safety Center (TxSSC) and local law enforcement agencies, would assist schools with certain safety plans and requirements.
- Requires school district boards to determine the appropriate number of armed security officers for each campus; ensuring at least one-armed security officer at each school campus, with certain exceptions.
- TEA, or if designated by TEA, the TxSSC, would establish and publish a directory of approved vendors of school safety technology and equipment.

Operational Impact: Directly impacts UT System Institutions who serve as charter schools or who support local school districts with hosting classes at their institution.

- All BPOC course material related to the Education Code, Government Code, and Local Government Code will need to be updated to reflect the bill.
- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: This analysis assumes that districts may experience a fiscal impact implementing provisions of the bill requiring certain security staffing. This impact, while potentially significant, cannot be determined as the bill would require district boards of trustees to determine the appropriate number of armed security officers for each campus; however, they would ensure an armed security officer is present during regular school hours at each district campus, with certain exceptions. Districts may incur significant costs to ensure compliance with facilities standards. Technology costs related to the implementation of provisions of the bill will be significant and would also include technology development, training, sustainment.

Implementation: Once district boards of trustees determine the appropriate number of armed security officers for each campus, UTSP Police Departments will need additional FTE's to comply with the provisions. UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police & Institution charter schools

Rulemaking authority: Rulemaking authority is expressly granted to the State Board for Education Certification and the commissioner of education.

ENHANCED CRIMINAL PENALTIES RELATED TO FENTANYL POISONING

HB 6 – Goldman - Relating to the designation of fentanyl poisoning or fentanyl toxicity for purposes of the death certificate and to the criminal penalties for certain controlled substance offenses; increasing a criminal penalty.

HB 6 amends the Health and Safety Code, and the Penal Code.

The medical certification on a death certificate must include either the term "Fentanyl Poisoning" or the term "Fentanyl Toxicity" if:

1. a toxicology examination reveals a controlled substance listed in Penalty Group 1-B present in the body of the decedent in an amount or concentration that is considered to be lethal by generally accepted scientific standards; and
2. the results of an autopsy performed on the decedent are consistent with an opioid overdose as the cause of death.
 - Enhances criminal penalties for the related offenses to felonies of the first degree.
 - Removes certain opiates for Penalty Group 1

Operational Impact: All BPOC course material related to the Health and Safety Code, and Penal Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ACCESSING PUBLIC INFORMATION REGARDING LAW ENFORCEMENT, CORRECTIONS, AND PROSECUTORIAL RECORDS

HB 30 – Moody - Relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.

HB 30 amends the Government Code.

Subsection (d)The exception to disclosure provided by Subsection (a)(2) does not apply to information, records, or notations if:

1. a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; or
2. each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation.

Operational Impact: All BPOC course material related to the Government Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

AUTHORIZATION TO OPERATE AN EMERGENCY VEHICLE TO CONDUCT A POLICE ESCORT

HB 64 – Landgraf - Relating to the peace officers authorized to operate an authorized emergency vehicle used to conduct a police escort.

HB 64 amends the Transportation Code. "Police escort" means facilitating the movement of a funeral, oversized or hazardous load, or other traffic disruption for public safety purposes by a peace officer described by Articles 2.12(1)-(4).

Operational Impact: All BPOC course material related to the Government Code will need to be updated to reflect the bill. UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law. All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TERMINOLOGY REGARDING AN INTELLECTUAL DISABILITY

HB 446 – Craddick - Relating to the terminology used in statute to refer to intellectual disability and certain references to abolished health and human services agencies.

HB 446 amends the Civil Practice and Remedies Code, the Health and Safety Code, the Code of Criminal Procedure, the Family Code, the Finance Code, the Government Code, and the Human Resources Code. Primarily the bill amends state statutes to replace the terminology of mental retardation with "intellectual disability."

Operational Impact: All BPOC course material related to the amended codes will need to be updated to reflect the bill. UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law. All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: Rulemaking authority previously granted to the Texas Department of Mental Health and Mental Retardation is transferred to the Health and Human Services Commission.

EXTENDING STATUTE OF LIMITATIONS FOR CRIMINAL OFFENSES

HB 467 – Craddick - Relating to the limitations period for certain criminal offenses based on assaultive conduct.

HB 467 amends the Code of Criminal Procedure. The bill extends the statute of limitations period from two years to three years for misdemeanor assault, and from three years to five years for felony assault, committed against family members or against victims who may have various types of relationships with the defendant.

Operational Impact: All BPOC course material related to the Code of Criminal Procedure will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PAID LEAVE FOR CERTAIN FIRST RESPONDERS

HB 471 – Patterson - Relating to the entitlement to and claims for benefits for certain first responders and other employees related to illness and injury.

HB 471 amends the Local Government Code by adding Chapter 177A. The bill provides new paid leave protection for first responders to protect against early termination of a first responder injured in the line of duty.

Operational Impact: All BPOC course material related to the Local Government Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.

- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.
- UTS 185 Injury Leave for Peace Officers- encompasses the bill amendments.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

- UTS 185 Injury Leave for Peace Officers- encompasses the bill amendments.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PEACE OFFICER INTERACTION TRAINING REGARDING PERSONS WITH ALZHEIMER’S / DEMENTIAS

HB 568 – Bowers - Relating to education and training for peace officers on interacting with persons with Alzheimer's disease and other dementias.

HB 568 amends the Occupations Code. The commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments, to include Alzheimer ’s disease.

Operational Impact: All BPOC course material related to the Occupations Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

UNLAWFUL DISCLOSURE OF IDENTIFIABLE RESIDENCE OR TELEPHONE INFORMATION

HB 611 – Capriglione - Relating to the creation of the criminal offense of unlawful disclosure of residence address or telephone number.

HB 611 amends Chapter 42 of the Penal Code. The bill enhances the penalty to a Class A misdemeanor if the offense results in the bodily injury of that individual or a member of their family or household. The bill establishes prima facie evidence of the actor's intent to cause harm or a threat of harm for purposes of the offense if the actor receives a written demand from the individual to not disclose the address or telephone number for reasons of safety.

Operational Impact: All BPOC course material related to the Penal Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police & Compliance

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ADMINISTRATION AND ENFORCEMENT OF A PROTECTIVE ORDER

HB 660 – Cook - Relating to the enforcement and administration of certain protective orders.

HB 660 amends Chapter 83 of the Family Code. Require, rather than authorize, a law enforcement agency to enter a protective order in the agency's computer records of outstanding warrants as notice that the order has been issued and is currently in effect. A law enforcement agency shall immediately, but not later than the next business day after the date the order or information is received, enter the information required by Section 411.042(b)(6), Government Code.

Operational Impact: All BPOC course material related to the Family Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.

- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ENTERING CONDITIONS OF BOND FOR STALKING OFFENSES INTO TX CRIME INFORMATION CENTER

HB 767 – Harless - Relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond for stalking offenses.

HB 767 amends Article 17.50 of the Code of Criminal Procedure. Requires the magistrate, as soon as practicable but not later than the next day after the date a magistrate issues an order imposing a condition of bond on a defendant under Chapter 17 (Bail) for an offense under Section 42.072 (Stalking), Penal Code, to notify the sheriff of the condition and provide to the sheriff certain information.

Operational Impact: All BPOC course material related to the Code of Criminal Procedure will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REMOVAL OF THIRD-PARTY IDENTIFICATION IN DETERMINING STATUS OF HUMAN TRAFFIING VICTIMS

HB 844 – Patterson - Relating to crime victims' compensation for criminally injurious conduct in connection with trafficking of persons.

HB 844 amends Subchapter A, Chapter 56B of the Code of Criminal Procedure. Defines that criminally injurious conduct includes the solicitation or patronization of forced labor or services, including sexual conduct, by any person if the solicitation or patronization occurs in connection with a scheme or course of conduct that constitutes the trafficking of persons. (b) A victim of criminally injurious conduct described by Subsection (a) is a trafficking victim for the purposes of grant programs administered by the office of the governor.

Operational Impact: All BPOC course material related to the Code of Criminal Procedure will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

MENTAL HEALTH LEAVE POLICY FOR TELECOMMUNICATORS

HB 1486 – Gerdes - Relating to the adoption of a mental health leave policy for certain telecommunicators.

HB 1486 amends Section 614.015 of the Government Code. Each law enforcement agency, and each agency of the state or of a political subdivision of the state that employs a full-time telecommunicator, shall develop and adopt a policy allowing the use of mental health leave by the peace officers and full-time telecommunicators, as applicable, employed by the agency who experience a traumatic event in the scope of that employment.

Operational Impact: All BPOC course material related to Government Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.
- UTS 195 -Mental Health Leave for Peace Officers needs to be amended to reflect the bill.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PARKING OFFENSES REGARDING VETERANS WITH DISABILITIES

HB 1633 – Ortega - Relating to certain offenses regarding parking privileges of veterans with disabilities.

HB 1633 amends Section 681.011 of the Transportation Code. The bill lowers the penalty structure for the misdemeanor offense when a person who stands a vehicle in a parking space or area designated specifically for individuals with disabilities when the vehicle displays special license plates issued for veterans with disabilities and does not display a disabled parking placard.

Operational Impact: All BPOC course material related to Transportation Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

FIREARM EXCEPTION ON SCHOOL/INSTITUTION PREMISES

HB 1760 – Hefner - Relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions.

HB 1760 amends Section 46.03(a) of the Penal Code. Includes on the premises of a school or post-secondary educational institution, on any grounds or building owned by and under the control of a school or post-secondary educational institution and on which an activity sponsored by the school or institution is being conducted. HB 1760 expands firearm possession exceptions on school and postsecondary educational institution premises, enabling concealed handgun license holders to carry concealed handguns on school-owned grounds/buildings, provided they have school/institution authorization and no weapon prohibition. Additionally, this applies to a passenger transportation vehicle of such a school/institution, provided that the person does not possess any other weapon prohibited under this section.

Operational Impact: All BPOC course material related to Penal Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.
- UTSP TRAINING BULLETIN 001-FIREARMS ON CAMPUS and GUIDANCE MATRIX will need to be amended to reflect the bill.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PEACE OFFICERS’ ABILITY TO TRANSFER THEIR CHILD TO ANOTHER SCHOOL DISTRICT OR CAMPUS

HB 1959 – Noble - Relating to the transfer of certain public-school students who are children of peace officers.

HB 1959 amends Subchapter B, Chapter 25 of the Education Code by adding Section 25.0344. On request of a peace officer who is a parent of or person standing in parental relation to a student, the board of trustees of a school district or the board’s designee shall transfer the student to another district campus or to another school district under an agreement under Section 25.035.

Operational Impact: All BPOC course material related to Education Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

LAW ENFORCEMENT TRAINING REGARDING MISSING CHILDREN AND MISSING PERSONS

HB 2660 – Oliverson - Relating to duties and procedures and to training programs for law enforcement agencies regarding missing children and missing persons.

HB 2660 amends Article 2.13 of the Code of Criminal Procedure. A law enforcement agency, on receiving a report of a missing person, shall: (4) not later than 48 hours after receiving the report, electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the person.

Operational Impact: All BPOC course material related to Code of Criminal Procedure will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CRIMINAL PENALTIES FOR OFFENSES COMMITTED IN AN INSTITUTION OF HIGHER EDUCATION

HB 3553 – Thierry - Relating to increasing the criminal penalty for certain offenses if committed at certain locations.

Enhancing the categories of punishment for persons who commit the offenses of Public Lewdness, Indecent Exposure, Invasive Visual Recording and Voyeurism on the premise of an Institution of Higher Education.

Operational Impact: Would impact UTSP at our 14 Institutions.

Fiscal Impact: No fiscal impact.

Implementation: Officers would receive the training during the BPOC class or mandated legislative updates.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PEACE OFFICER WELLNESS PROGRAM

HB 3858 – Frazier - Relating to peace officer wellness programs within certain law enforcement agencies.

Departments with at least 20 Officers may establish a wellness program for officers that are involved in a violent incident. Provides grant funding for the program through the State Health and Human Services

Operational Impact: Would impact all UTSP Officers that answer calls for incidents that pose a substantial risk of serious harm to the officers' mental health or wellbeing.

Fiscal Impact: No fiscal impact.

Implementation: UTSP currently has a Peer Support policy that could be amended to include language and provisions of this bill.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

STUDY ON ALTERNATIVE BENEFITS FOR PEACE OFFICERS BY THE TEACHER RETIREMENT SYSTEM OF TX

HB 4141 – Guillen - Relating to a study conducted by the Teacher Retirement System of Texas on the feasibility of offering alternative service retirement benefits to peace officers who are members of the retirement system.

Requires the Teacher Retirement System of Texas (TRS) to conduct a study on the feasibility of offering members who are peace officers alternative service retirement benefits under TRS. Requires TRS, in conducting the study, to assess the costs to and impact on TRS associated with offering members who are peace officers certain alternative service retirement benefits.

Operational Impact: Direct impact Requires an employer who employs peace officers, not later than March 1, 2024, to submit the following information to TRS:

1. the number of peace officers employed by the employer on December 31, 2023;
2. the number of unfilled peace officer positions on December 31, 2023;
3. for the 10-year period before December 31, 2023, the average years of
4. service earned by peace officers who resigned before retirement; and
5. the compensation or salary scale for peace officers employed by the employer.

Fiscal Impact: Fiscal impact for the Institutions currently providing TRS retirement would not be determined until after the TRS study. Deadline for the study to be completed is 12/31/2024.

Implementation: Study by TRS be concluded by 12/31/2024. Once the study starts, the Institutions will have until March 1, 2024 to respond to the TRS in four areas, the number of peace officers employed by the employer on December 31, 2023; (2) the number of unfilled peace officer positions on December 31, 2023; (3) for the 10-year period before December 31, 2023, the average years of service earned by peace officers who resigned before retirement; and (4) the compensation or salary scale for peace officers employed by the employer.

Effective Date: Institutions have until March 1, 2024, to respond to the TRS study requests.

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROVISIONS TO THE CODE OF CRIMINAL PROCEDURE

HB 4504 – Moody - Relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments.

HB 4504 amends several sections of the Code of Criminal Procedure and creates chapter 2A. The bill reorganizes the Code of Criminal Procedure. Creates a new Chapter 2A for Officers; Powers and Duties (including all of the references to 2.12 Who are Peace Officers) and 2B, Law Enforcement Interactions with Public (including motor vehicle stop data and body worn camera requirements).

Operational Impact: All BPOC course material related to Code of Criminal Procedure will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 01/01/2025

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROHIBITING THE CONFISCATION OF A DRIVER'S LICENSE

HB 4528 – Wilson - Relating to the requirement that a peace officer take possession of a person's driver's license following the person's failure to pass or refusal to consent to a test for intoxication.

Amends the Transportation Code to remove the requirements for a peace officer to take possession of any driver's license issued by the Department of Public Safety held by a person arrested for failure to pass an intoxication test or refusal to submit to the taking of a specimen to test for intoxication, whether expressly or because of the person's intentional failure to give the specimen, and to issue a temporary driving permit to the person. The bill applies to a failure to pass a test for intoxication or a refusal to submit to the taking of a specimen to test for intoxication that occurs on or after the bill's effective date.

Operational Impact: The Department of Public Safety of the State of Texas (DPS) reports that it can suspend a driver's license electronically and no longer has a need to collect the physical card. Since a driver's license is integral in many people's ability to obtain services or exercise other rights aside from driving, officers should not confiscate a person's driver's license if DPS can suspend the license electronically.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROCEDURES REGARDING DNA PROFILE COMPARISONS

HB 4628 – Goldman - Relating to the duties of law enforcement agencies, crime laboratories, and the Department of Public Safety following the performance of certain DNA profile comparisons.

Lack of established deadlines in law have led to circumstances in which CODIS hits are returned to the lab, but not issued to an investigator or in which hits are issued to investigators but are left pending with the need for follow-up sample collection. H.B. 4628 seeks to address these issues by establishing a timeline for handling CODIS database matches that could potentially aid an investigation by a law enforcement agency.

Operational Impact: Impact will be related to how the Institutions investigation and collection of a sexual assault evidence is managed as outlined through the bill's timeline.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TX PROVISIONS THAT MODEL THE FEDERAL RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT

HB 4635 – Guillen - Relating to organized crime, racketeering activities, and collection of unlawful debts; providing a civil penalty; creating criminal offenses.

Transnational gangs and criminal enterprises have proliferated in this state through highly sophisticated, diversified, and widespread criminal activity. This criminal activity annually consumes millions of dollars locally and billions of dollars nationally through unlawful conduct and the illegal use of force, fraud, and corruption through various criminal elements. All of this harms the State of Texas and its citizens. The federal government uses the federal Racketeer Influenced and Corrupt Organizations Act (RICO) for criminal prosecution of gangs and criminal enterprises. There are also 32 states that have their own version of RICO laws. The State of Texas has a variety of laws that address criminal activity, including organized crime statutes. However, law enforcement entities lack statutory authority to target the lifeblood of criminal enterprises, their financial assets.

Operational Impact: H.B. 4635 seeks to strengthen the legal tools in the evidence-gathering process, by establishing new penal prohibitions and providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime. H.B. 4635 amends current law relating to organized crime, racketeering activities, and collection of unlawful debts, provides a civil penalty, and creates criminal offenses. The bill defines civil remedies and the process or steps in conducting a civil investigation. There are references throughout the bill related to civil penalties and modification to the CCP for criminal penalties and enforcement related to racketeering. The final portion of the bill discusses RICO liens and how to address those both civilly and criminally.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

COLLECTION OF ELECTRONIC EVIDENCE BY SCHOOL OR UNIVERSITY POLICE

HB 4906 – Hefner - Relating to the installation and use of tracking equipment and access to certain communications by certain peace officers.

Current law does not explicitly authorize school or university police officers to apply for or be issued a search warrant for the collection of certain electronic evidence, including evidence relating to social media accounts, direct messaging, and text records. School police officers who currently apply for and are issued search warrants for electronic evidence may find that any evidence they obtain will be suppressed

upon being challenged in court. There is no identifiable or practical reason that these specific officers were not included in this provision to begin with, and it appears to be an inadvertent oversight.

Operational Impact: Fixing this will ensure the integrity of criminal cases and critical evidence moving forward. With emerging threats and school safety concerns, school-based police officers must have the tools and support they need to effectively keep students safe.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

STUDENT HAZING

SB 37 - Zaffirini – Relating to the criminal offense of hazing.

SB 37 seeks to promote the reporting and prevention of hazing of students in educational institutions. A person who reports hazing or knowledge thereof to the dean of students or other appropriate officials of an institution is granted immunity from civil or criminal liability if they report the incident prior to being contacted by the institution or law enforcement agency. SB 37 amends the Education Code to include peace officers and law enforcement agency officials in the list of persons that hazing, or knowledge thereof can be reported to. Changes made by SB 37 applies only to an offense committed on or after September 1, 2023.

Operational Impact: Provides that a person commits an offense if the person has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to one of certain persons, including a peace officer or a law enforcement agency. Provides that any person, including an entity organized to support an organization, who voluntarily reports a specific hazing incident involving a student in an educational institution to one of certain persons, including a peace officer or a law enforcement agency, is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident.

Fiscal Impact: No fiscal impact

Implementation: Institutions will need to update their policies and procedures concerning hazing. The update should include the expanded definitions and consequences of hazing as per Section 37.152(a) of the Education Code, such as aiding, encouraging, or recklessly permitting hazing. It also needs to cover the legal responsibility to report known hazing incidents to an appropriate official or law enforcement.

Institutions also need to provide channels for voluntary reporting of hazing incidents, in line with Section 37.155(b). This includes offering immunity for those who report in good faith before an investigation is

initiated. The cooperation requirement during institutional or law enforcement investigations should also be clearly stated in these procedures.

The changes to law apply to offenses committed after the effective date (September 1, 2023), as detailed in Section 3, and to civil causes of action that accrue on or after this date (Section 4). This detail should be reflected in the implementation timeline of the new policies and procedures.

UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Academic Affairs & Office of the Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

MANDATING THE USE OF A STANDARDIZED FORM WHEN APPLYING FOR A PROTECTIVE ORDER

SB 48 – Zaffirini - Relating to the issuance and effectiveness of protective orders, magistrate's orders for emergency protection, and temporary ex parte orders.

The paperwork variations can result in delays when the Department of Public Safety (DPS) updates information regarding persons prohibited from possessing firearms into the FBI's National Instant Criminal Background Check System (NICS), which could allow an abuser to pass a background check and have deadly consequences for a person under the court's protection.

Operational Impact: Persons applying for protective orders (PO) and courts and magistrates issuing POs to use standardized forms, allowing DPS to discern immediately if a protective order prohibits a person from possessing a firearm. Failure, however, to use the required form would not affect the order's validity. This bill would allow DPS to transfer the information regarding these orders quickly and efficiently to the FBI's database and help better protect the lives of crime victims.

Fiscal Impact: No fiscal impact

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: Effective immediately

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

LICENSING AND HIRING PRACTICES BY THE TEXAS COMMISSION ON LAW ENFORCEMENT

SB 252 – Alvarado - Relating to the licensing of certain veterans by the Texas Commission on Law Enforcement and the hiring of those veterans by political subdivisions.

SB 252 amends 2 sections of the Local Government Code and adds Section 1701.3095 to the Occupations Code. Licensing changes to allow for legal permanent residents who have served honorably in the US Armed Forces to become licensees for appointments on or after December 1, 2023.

Operational Impact: All BPOC course material related to Local Government Code and Occupations Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.
- ODOP/UTSP Polices 401 - Applicant Selection Process for Employment as a Police Cadet & 401A - Applicant Selection Process for Employment as a Police Officer will need to be amended to reflect the bill.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement.

USE OF HYPNOTICALLY INDUCED STATEMENTS IN CRIMINAL TRIALS

SB 338 – Hinojosa - Relating to the use of hypnotically induced statements in a criminal trial.

SB 338 amends Chapter 38 of the Code of Criminal Procedure. The bill makes inadmissible all statements against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial, made during or after a hypnotic session by a person who has undergone investigative hypnosis performed by a law enforcement agency for the purpose of enhancing the person's recollection of an event at issue in a criminal investigation or case, including courtroom testimony regarding those statements and including statements identifying an accused that are made pursuant to pretrial identification procedures.

Operational Impact: All BPOC course material related to Code of Criminal Procedure will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.
- All UTSP Officers that are TCOLE certified forensic hypnosis investigators will no longer be allowed to practice this investigate skill during the course of their criminal investigation.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TRAININGS FOR 9-1-1 EMERGENCY SERVICE CALL TAKERS AND DISPATCHERS

SB 496 – Zaffirini - Relating to a study on potential improvements to training provided to 9-1-1 emergency service call takers and dispatchers.

TCOLE creates a study in conjunction with TEEEX on improvements to training for telecommunicators no later than September 1, 2024.

Operational Impact: Once study is completed, it might have a direct impact on ODOP/UTSP Policy 401B - Applicant Selection Process for Employment as a Telecommunicator.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TRAINING PEACE OFFICERS TO RESPOND AND INVESTIGATE CHILD FATALITIES

SB 533 – Paxton - Relating to training for peace officers on responding to and investigating child fatalities.

A need for peace officers to receive basic training on responding to and investigating child fatalities, which would allow peace officers to properly assess and document these situations.

Operational Impact: Seeks to address this issue by providing training for peace officers on responding to and investigating child fatalities. Requires TCOLE to establish the curriculum requirements by January 1, 2024, and Officers licensed after that date must complete the class.

Fiscal Impact: No fiscal impact.

Implementation: Seeks to address this issue by providing for training for peace officers on responding to and investigating child fatalities. UTSP officers will receive the training once TCOLE has developed the curriculum.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TRAINING PEACE OFFICERS TO INTERACT WITH VICTIMS OF SEXUAL ASSAULT

SB 806 – Paxton - Relating to the duties of peace officers regarding interactions with victims of sexual assault.

SB 806 seeks to update and strengthen existing notification requirements for peace officers and law enforcement personnel to ensure that victims of sexual assault are connected with resources as quickly as possible to begin the healing process and prevent revictimization.

Operational Impact: Requires each law enforcement agency to consult with a local sexual assault program or response team to develop the written notice regarding rights for adult victims of sexual assault. The bill requires the notice to be in English and Spanish and to include the current contact information for a victim assistance coordinator and a crime victim liaison. The bill sets out a list of statements regarding the rights of an adult victim of sexual assault that the notice must include to be considered sufficient. The bill requires the law enforcement agency to update the notice at least once each biennium and authorizes the notice to be combined with the written notification of rights provided to all crime victims.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CRIMINAL PENALTY REGARDING THE ASSULT OF HOSPITAL PERSONNEL

SB 840 – West - Relating to increasing the criminal penalty for assault of certain hospital personnel.

SB 840 increases the penalty for assaulting "certain hospital personnel" from a Class A misdemeanor to a 3rd degree felony offense. It addresses offenses that take place while a worker or workers are on duty at the medical facility where they are employed.

Operational Impact: Amends current law relating to increasing the criminal penalty for assault of certain hospital personnel.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CREATING A CRIMINAL OFFENSE FOR DAMAGING CRITICAL INFRASTRUCTURE

SB 947 – King - Relating to creating a criminal offense for damaging certain critical infrastructure facilities and providing for the prosecution of that conduct as manslaughter in certain circumstances; increasing a criminal penalty.

SB 947 adds a separate, express prohibition and penalty for attacks on electric grid infrastructure that result in a power outage lasting more than 24 hours.

Operational Impact: Intentional attacks on such critical electric infrastructure can be prosecuted as a second-degree felony. An intentional attack on such infrastructure could be prosecuted as a first-degree felony if it results in the death of any individual, is committed using a firearm or explosive, or causes damage to critical infrastructure in an amount of \$100,000 more.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PROHIBITING THE UNAUTHORIZED PUBLICATION OF PHOTOGRAPHS CONTAINING HUMAN REMAINS

SB 997 – West - Relating to the publication of certain photographs of human remains by certain individuals for a purpose other than an authorized purpose; providing a civil penalty.

SB 997 addresses the publication of photographs of human remains by first responders, coroners, medical examiners, law enforcement, and others who would, in their official capacity, have access to the scene of an accident or crime at which a dead or dismembered body is likely to be present.

Operational Impact: Prohibits an individual from publishing a photograph of human remains that the individual obtained while acting within the course and scope of the individual's duties as an officer or employee of this state or a political subdivision of this state.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CERTIFICATION REQUIREMENTS FOR ACTIVE SHOOTER TRAINING PROVIDERS

SB 999 – West - Relating to the requirement that providers of active shooter training at public schools and institutions of higher education obtain a certificate issued by the Texas Commission on Law Enforcement.

Require all companies that are providing active shooter training to students or employees at a public school or institution of higher education to both use certified instructors and possess a TCOLE certification at the company level.

Operational Impact: Requires that providers of active shooter training at public schools and institutions of higher education obtain a certificate issued by the Texas Commission on Law Enforcement.

Fiscal Impact: No fiscal impact. Does create a civil cause of action for persons who are victimized by the publication of photos of human remains of a loved one.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement.

CREATING A CRIMINAL OFFENSE REGARDING THE TAMPERING OF ELECTRONIC TRACKING DEVICES

SB 1004 – Huffman - Relating to creating the criminal offense of tampering with an electronic monitoring device and to certain consequences on conviction of that offense.

SB 1004 creates a criminal offense if a person knowingly removes or disables an electronic tracking device that the person is required to wear to enable the electronic monitoring of the person's location.

Operational Impact: Provides for an offense that a person who is required to submit to electronic monitoring that knowingly removes or disables or causes or conspires or cooperates with another person to remove or disable, a tracking device that the person is required to wear to enable the electronic monitoring of the person's location.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PENALTIES REGARDING THE CREATION OF SEXUALLY EXPLICIT VIDEOS USING DEEP FAKE TECHNOLOGY

SB 1361 – Huffman - Relating to the unlawful production or distribution of sexually explicit videos using deep fake technology; creating a criminal offense.

SB 1361 creates a criminal offense if a person knowingly produces or distributes by electronic means a deep fake video that appears to depict the person with the person's intimate parts exposed or engaged in sexual conduct.

Operational Impact: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SEXUAL ASSAULT SURVIVOR'S TASK FORCE

SB 1402 – Zaffirini - Relating to the composition, continuation, and duties of the Sexual Assault Survivors' Task Force, compensation for task force members and certain other task force participants, and establishment of a mandatory training program for persons responding to reports of and treating survivors of child sexual abuse and adult sexual assault.

Relates to the composition, continuation, and duties of the Sexual Assault Survivors' Task Force, compensation for task force members and certain other task force participants, and establishment of a mandatory training program for peace officers on responding to reports of child sexual abuse and adult sexual assault.

Operational Impact: Establishes a mandatory training program for peace officers on responding to reports of child sexual abuse and adult sexual assault.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources. No significant fiscal implication to units of local government is anticipated.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CREATION OF AN INTERSTATE COMPACT FOR BORDER ENFORCEMENT PURPOSES

SB 1403 – Parker - Relating to an interstate compact for border security, including building a border wall and sharing state intelligence and resources.

SB 1403 creates an interstate compact allowing participating states' law enforcement agencies to share resources and intelligence for purposes of border enforcement and allowing states to share funding and other assistance in creating and maintaining defensive border structures, including comprehensive surveillance technology. Because this interstate compact does not alter the balance of power between states and the federal government, congressional consent is not required for the agreement to take or remain in effect. The bill also pertains to the sharing of law enforcement intelligence on illegal activity occurring at the border with Mexico; sharing state resources in order to build a physical barrier, a comprehensive technological surveillance system, or both, on state land to deter or detect illegal activity occurring at the border with Mexico; and sharing other law enforcement resources to ensure the protection of personnel and property.

Operational Impact: An interstate compact for border enforcement would equip Texas and other participating states with the resources needed to address the shortcomings of existing federal border policy. Allowing states to share enforcement resources, intelligence, and assistance in creating and maintaining defensive border structures would strengthen states' capabilities to address, manage, and overcome the continuing security crisis at our southern border.

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC. Due to campuses in close proximity to the US-MX border, it is assumed that UTSP component departments and/or ODOP will play a functional role.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TEXAS COMMISSION ON LAW ENFORCEMENT

SB 1445 – Paxton - Relating to the continuation and functions of the Texas Commission on Law Enforcement; authorizing a fee.

SB 1445 amends 29 sections pertaining to Section 1701 of the Occupations Code. The bill adopted several recommendations to improve the efficiency and effectiveness of law enforcement regulation in Texas, including aligning TCOLE's statutes and procedures with best practices. More specifically, the sunset commission recommended requiring TCOLE to set and enforce minimum standards for law enforcement agencies, recommended requiring law enforcement agencies to access a national law enforcement database before hiring, and recommended eliminating discharge categories from the F-5 separation form.

Operational Impact: The bill requires TCOLE to adopt rules establishing minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency and sets out certain required areas for TCOLE to develop minimum standards; requires for the minimum standards to include standards for a determination regarding the public benefit of creating the agency in the community; specifies that the minimum standards must specifically include the physical resources such as uniforms and weapons; minimum standards for department policies; and to adopt a model policy prescribing standards and procedures for the medical and psychological examination of a license holder.

The bill requires that TCOLE establish a database containing the following for each peace officer or reserve law enforcement officer licensed by TCOLE; the officer's license status, including a record of any action taken against the officer by TCOLE; and personnel files provided by each law enforcement agency that employs the officer. There are also provisions for national database, out of state license applicants and model policy requirements for personnel records. The bill also addresses misconduct investigation, hiring procedures, F-5 Separation Form procedures and TCOLE subpoena power.

Policy recommendations are already addressed in:

- ODOP Policy 212 Code of Conduct
- ODOP Policy 601 Use of Force
- ODOP Policy 714 Vehicle Pursuits
- ODOP Policy 212 Code of Conduct
- ODOP Policy 710 Major Crimes Team
- ODOP Policy 406 Part Time Peace Officers and "Other" Peace Officers
- ODOP Policy 201 Bias-Based Profiling and Racial Profiling
- ODOP Policy 814 Active Shooter/Active Assailant
- ODOP Policy 604 Firearms, Less-Lethal Weapons and Ammunition
- ODOP Policy 742 System Rapid Response Team
- UTS 170 Oversight of Law Enforcement and Security for The University of Texas System
- ODOP Policy 401 - Applicant Selection Process for Employment as a Police Cadet
- ODOP Policy 401A - Applicant Selection Process for Employment as a Police Officer
- ODOP Policy 401B - Applicant Selection Process for Employment as a Telecommunicator

Fiscal Impact: It is assumed that any costs associated with the bill could be absorbed using existing resources.

Implementation: UTSP Officers will receive training related to this bill during their mandated Legislative Update class. Cadets attending the Academy would receive the training after TCOLE adjustment to the learning objectives for the BPOC.

- ODOP and/or UTSP component institutions will play a significant functional role in the implementation.
- UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement.

BORDER OPERATIONS TRAINING PROGRAM

[SB 1484](#) – Creighton - Relating to a border operations training program for peace officers employed by local law enforcement agencies.

SB 1484 amends Subchapter A, Chapter 411 of the Government Code, and adds Section 1701.359 to the Occupations Code. The bill establishes a Border Operations Training Program to be developed by DPS.

Operational Impact: All BPOC course material related to Government Code and Occupations Code will need to be updated to reflect the bill.

- UTSP instructors teaching at the BPOC will need to be familiar with changes/additions of this law.
- All UTSP Officers will become familiar with this law change when they complete the “TCOLE Legislative Update” mandated course.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TERRORIST OFFENDER REGISTRY

SB 1518 – King - Relating to the establishment of a terrorist offender registry and to the supervision of those terrorist offenders; creating criminal offenses related to terrorism.

SB 1518 amends the Code of Criminal Procedure establishes that, for purposes of the terrorist offender registration program, the Department of Public Safety (DPS) is responsible for determining whether an offense under the laws of another state or a foreign country, federal law, or the Uniform Code of Military Justice. The bill requires DPS, for each person subject to registration under the program, to determine which local law enforcement authority serves as the person's registration authority based on the municipality or county in which the person resides.

Operational Impact: Creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: Rulemaking authority is expressly granted to the Department of the Public Safety of the State of Texas, the Texas Department of Criminal Justice, and the Texas Juvenile Justice Department.

PROSECUTION FOR COMPELLING AND SOLICITATION OF PROSTITUTION

SB 1527 – Huffman - Relating to human trafficking, including the prosecution and punishment of compelling and solicitation of prostitution and other sexual or assaultive offenses; increasing a criminal penalty; creating a criminal offense.

SB 1527 amends current law relating to human trafficking, including the prosecution and punishment of compelling and solicitation of prostitution and other sexual or assaultive offenses, increases a criminal penalty, and creates a criminal offense. The bill adds the Texas Education Agency and Texas Department of Transportation to the Human Trafficking Prevention Coordinating Council.

Operational Impact: The bill requires the task force to examine the link between trafficking and massage businesses; moves the "no trafficking zones" provision to the correct statutory section; modifies language to include "offers and agrees" language; expands extraneous offense admissibility to include continuous and labor trafficking; and increases effectiveness of data collection efforts. To increase investigative and prosecutorial tools, SB 1527 adds child grooming protections and increases penalties for traffickers that use excessive force.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: Rulemaking authority is granted to the attorney general of Texas.

ACTIVE SHOOTER TRAININGS FOR PEACE OFFICERS

SB 1852 – Flores - Relating to active shooter training for peace officers.

SB 1852 amends Section 1701.253 of the Occupations Code by adding Subsection (q). The bill requires the Texas Commission on Law Enforcement (TCOLE) to require an officer, as part of the minimum curriculum requirements, to complete a training program of not less than 16 hours on responding to an active shooter as developed by the Advanced Law Enforcement Rapid Response Training Center at Texas State University—San Marcos.

Operational Impact: This bill would add a minimum of 16 hours of active shooter training provided by ALERRT to the basic peace officer training course, or a Texas Commission on Law Enforcement (TCOLE) approved equivalent. Sec. 1701.3525. ACTIVE SHOOTER RESPONSE TRAINING REQUIRED FOR OFFICERS. (a) Requires that an officer, as part of the continuing education programs under Section 1701.351(a) (relating to requiring each peace officer to complete at least 40 hours of continuing education programs once every 24 months).

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement.

CLASSIFICATION OF FOREIGN TERRORISTS ORGANIZATIONS

SB 1900 – Birdwell - Relating to foreign terrorist organizations, including the compilation of information regarding, certain civil actions brought against, and the prosecution of certain organized crime offenses involving a foreign terrorist organization and of sedition.

SB 1900 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, and the Penal Code. The bill provides for the designation of three or more persons operating as an organization at least

partially outside the United States who engage in criminal activity and threaten the security of the state or Texas residents, including but not limited to a drug cartel, as a "foreign terrorist organization" and to establish provisions relating to these organizations, including the compilation of information regarding, certain civil actions brought against, and the prosecution of certain organized crime offenses involving a foreign terrorist organization

Operational Impact: The bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

COMPENSATORY TIME OFF FOR STATE EMPLOYEES

SB 2214 – Blanco - Relating to compensatory time off for certain state employees.

SB 2214 amends Chapter 662 of the Government Code to entitle an employee of DFPS in the SWI division to compensatory time off at the rate of one hour for each hour worked on a national or state holiday that falls on a Saturday or Sunday. The Statewide Intake (SWI) division assesses all relevant reports under Department of Family and Protective Services (DFPS) / Health and Human Services Commission (HHSC) jurisdiction and routes intakes to the appropriate local office. SWI operates every day of the year including nights, holidays, and through inclement weather.

Operational Impact: SWI must operate 24 hours a day for every day of the year including all holidays.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

REPORTING PROCEDURES REGARDING MISSING CHILDREN AND MISSING PERSONS

SB 2429 – Hancock - Relating to reporting procedures and training programs for law enforcement agencies regarding missing children and missing persons.

SB 2429 provides a clear place in the Code of Criminal Procedure that law enforcement can reference when responding to reports of a missing child by separating the requirements for missing children and missing adults. The bill requires law enforcement who receive a report of a missing child to begin an investigation immediately in order to reduce confusion about jurisdiction and the timeline of response.

LAW ENFORCEMENT REQUIREMENTS FOR REPORT OF MISSING CHILD. (a) Requires a law enforcement agency, regardless of the jurisdiction in which the child went missing, on receiving a report of a missing child, to: (1) immediately start an investigation in order to determine the present location of the child

Operational Impact: The bill directs the Texas Commission on Law Enforcement (TCOLE) to require each law enforcement officer to complete a one-time basic education and training program on missing children and the associated reporting requirements. It also requires TCOLE to offer a voluntary advanced training on missing children.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: Rulemaking authority is expressly granted to the public safety director of the Department of Public Safety of the State of Texas.

PROCEDURES REGARDING DEFENDANTS SUSPECTED OF HAVING A MENTAL ILLNESS OR INTELLECTUAL DISABILITY

SB 2479 – Zaffirini - Relating to procedures regarding certain persons who are or may be persons with a mental illness or intellectual disability.

SB 2479 amends the Code of Criminal Procedure to expand the applicability of provisions relating to the early identification of defendants suspected of having a mental illness or an intellectual disability to include defendants charged with a Class C misdemeanor. Provisions require a sheriff or municipal jailer to notify a magistrate regarding a defendant in custody who is suspected of having a mental illness or an intellectual disability and provide for the magistrate to order an interview of the defendant by a qualified expert, the collection of information regarding whether the defendant has a mental illness or is a person with an intellectual disability, and a written report of the interview and information collected.

Operational Impact: The bill amends the Health and Safety Code to establish that a peace officer who transports an apprehended person to a facility for emergency detention under the authority of a warrant

issued by a judge or magistrate is not required to remain at the facility while the person is medically screened or treated or while the person's insurance coverage is verified and may leave the facility immediately after the person is taken into custody by appropriate facility staff and the peace officer provides to the facility the required documentation.

Fiscal Impact: No fiscal impact.

Implementation: UTSP Training Academy will need to update all relevant BPOC and in-service training curriculum once TCOLE amends the learning objectives.

Effective Date: 09/01/2023

Responsible Party: Office of Director of Police

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Real Estate

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Real Estate

CALCULATION OF NET TO LAND

HB 260 – Murr - Relating to the calculation of net to land in the appraisal of open-space land for ad valorem tax purposes.

This bill adds a "disease and/or pest" element to the depletion component when calculating net income derived from the use of open-space land. The chief appraiser shall take into consideration the effect that the presence of the applicable diseases or pest or the designation of the area has on the net income from the land. This could be a possible reduction in costs to UT for land used as open-space that is affected by disease and or pest in its operation.

Implementation: REO and institution should confirm whether this "deduction" was made when reviewing the appraisal, if applicable.

Effective Date: 01/01/2024, so confirm if it is calculated in future appraisals.

Responsible Party: Office of General Counsel, Office of Real Estate

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

PUBLIC PROPERTY LEASE TERMS FOR NONGOVERNMENTAL ENTITIES

HB 2518 – Bell, Keith - Relating to required lease terms for public property leased to a nongovernmental entity; creating a criminal offense.

Requires all leases of public property (UT as Landlord) that include construction, renovation or repair of improvements for UT to include Payment & Performance bonds for such work. REQUIRES A NOTICE PROVISION IN LANDLORD LEASES. In addition to obtaining a P&P bond, the entity performing the work must provide 90 days written notice prior to commencement of such work. UT would take on the role of a surety if it fails to require P&P bonds, unless the contracting entity failed to provide the commencement notice required above.

Implementation: The required business terms and notice proviso should be incorporated into all relevant leases.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel & Office of Real Estate, institution real estate officers

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SAVE HISTORIC MUNY DISTRICT

HB 2867 – Howard - Relating to the date of dissolution of the Save Historic Muny District.

Extends the date of dissolution of the Save Historic Muny District by 2 years to 5/31/2025. Although to date the SHMD has limited activity to fundraisers and has not chosen to hold an election to possibly raise a tax to help fund the preservation of the Lions Municipal Golf Course, it has the authority to do so. Law takes effect immediately.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel, Office of Real estate & UT Austin real estate

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

UNIVERSITY OF TEXAS SYSTEM LAND USE

SB 1758 – Schwertner - Relating to the use of certain land by The University of Texas System.

Broadens legally possible use of UTMDACC Smithville land to all UT System mission uses. Although possible uses of property are legally broadened, such uses may still be restricted by deeds with reversionary clauses. Affects all Smithville land owned by UT (700+ acres).

Implementation: To fully implement, need to amend deed into UT and vesting deed to broaden allowed uses; Law took effect 5/19/2023.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel & Office of Real Estate

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DUTIES OF REAL PROPERTY APPRAISERS UNDER GOVERNMENT CONTRACTS

SB 1766 – Creighton - Relating to indemnification and duties of real property appraisers under certain governmental contracts.

Ensures that appraisers cannot be held liable for the negligence or mistakes made by a governmental entity. Under this legislation, provisions of contracts for appraisal services, or a promise in connection with the contract, is void and unenforceable if the provision requires a licensed appraiser to indemnify or hold harmless a governmental agency against liability for damage. S.B. 1766 does not prohibit a governmental agency from including in and enforcing a provision in a contract.

Implementation: Minimal fiscal implications. Will require modifications to existing templates and rules prior to the effective date of Sept. 1, 2023. Work in collaboration with Contracts department, Office of Real Estate, Office of Risk Management (General liability) and Office of General Counsel (OGC).

Effective Date: 09/01/2023

Responsible Party: Contracts department within Office of the Controller, Office of Real Estate, Office of Risk Management, and Office of General Counsel (OGC).

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CLASSIFICATION OF FOREIGN TERRORISTS

SB 1900 – Birdwell - Relating to foreign terrorist organizations, including the compilation of information regarding, certain civil actions brought against, and the prosecution of certain organized crime offenses involving a foreign terrorist organization and of sedition.

This law broadens the statute against gangs to include foreign terrorist organizations (including drug cartels). It may subject Landlord to seizure of property if a crime(s) by gangs/foreign terrorist organizations is(are) often committed on property. Property may be seized, although it is possible such seizure may require continued activity after an injunction. The law assumes owner knows about illegal activities unless owner can prove otherwise. UT will have to be vigilant about use of UT property by gang/foreign terrorist organizations; this may include uses that are not so obvious such as money laundering/etc. Law may also include use of force or threat of force to destabilize or overthrow State government.

Implementation: Prudence in dealing with tenants/licensees and vigilance of UT assets may be best practical approach. For student housing/ground lease of residential property, a strong requirement for keeping the asset free of crime should be considered.

Effective Date: 09/01/2023

Responsible Party: Office of General Counsel, Office of Real Estate; institutional business and housing leadership; ODOP; Institutional PD's

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Risk Management

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Risk Management

SOLICITING AND AWARDING PUBLIC CONSTRUCTION CONTRACTS

[HB 679](#) – Keith, Bell - Relating to limitations on the use of workers' compensation insurance experience modifier values in soliciting and awarding public construction contracts.

Experience modifiers are a workers' compensation actuarial tool normally used when determining rates for employers seeking to purchase workers' compensation coverage. An experience modifier formula rates a company by comparing the company's workers' comp claims profile (loss history) to other similarly sized companies in the same industry. In the context of construction contracts, however, third party entities have begun requiring experience modifiers as a substitute for assessing company safety, which has led to unfair discrimination against contract bidders.

Implementation: Minimal fiscal implications: any costs associated with the bill could be absorbed using existing resources. Will require modifications to existing processes and protocol and rules prior to the effective date of September 1, 2023. Work in collaboration with the Contracts department, Office of Risk Management (oversees Workers' Comp), Office of Capital Projects, and Office of General Counsel.

Effective Date: 09/01/2023

Responsible Party: Office of Risk Management (oversees Workers' Comp) and Office of Capital Projects.

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DEATH BENEFITS CLAIMS UNDER WORKERS' COMPENSATION SYSTEM

[HB 2314](#) – Canales - Relating to filing death benefits claims under the workers' compensation system.

The proposed legislation would amend Texas Labor Code Sections 408.182(d-2) and 409.007 requiring a potential beneficiary filing for death benefits to file with either the Division of Workers' Compensation (the division) or the insurance carrier. The legislation requires the insurance carrier to create and maintain a record documenting receipt of the claim for death benefits and provide written notice of the claim to the division. Will require the carrier to create and maintain record documenting receipt of the claim of death benefits and provide written notice to the division in the form and manner prescribed.

Implementation:

- UTS will follow DWC guidance in that DWC might adopt rules as necessary to implement the changes
- UTS will work with our TPA CCMSI to develop a process to document receipt of claim and provide notice
- UTS will work with TPA CCMSI to train claim supervisors and adjusters on new process.

Effective Date: Effective Immediately

Responsible Party: Office of Risk Management – Workers’ Compensation Insurance.

Rulemaking authority: Rulemaking authority is expressly granted to the commissioner of workers’ compensation.

LIFETIME INCOME BENEFITS REVISIONS

HB 2468 – Burrows - Relating to the entitlement of an injured employee to lifetime income benefits under the workers' compensation system.

Revises the qualification for LIBS and creates a new qualification for first responders who sustain a serious bodily injury.

- For physically traumatic brain injuries, modifies the qualifying condition for LIBS to one resulting in a “permanent major neurocognitive disorder” (with additional qualifications).
- Expands LIBS eligibility for burns.
- Adds eligibility for first responders to receive LIBS for a serious bodily injury sustained in the course and scope of employment that results in a permanently unemployable situation.
- Provides non-entitlement to LIBS if the injured employee fails to attend a designated doctor’s exam without good cause.
- The employee must annually certify their continued unemployability.

Implementation:

- Work with TPA CCMSI to identify and implement process changes.
- Train UTS and CCMSI staff on changes and new processes.
- Look to DWC for guidance or new rules that may occur based on these legislative changes.

Effective Date: 09/01/2023

Responsible Party: Office of Risk Management – Workers’ Compensation Insurance

Rulemaking authority: Rulemaking authority is expressly granted to the commissioner of workers’ compensation.

TWIA CANCELLATION REFUND LIMITATIONS

HB 3208 – Thompson, Ed - Relating to the refund of premiums on the cancellation of Texas Windstorm Insurance Association policies by insureds.

The bill limits the circumstances under which an insured is entitled to a premium refund following insurance cancellation. It only allows refunds if the coverage is purchased elsewhere, if the property is sold or destroyed, or if TWIA will no longer continue coverage.

Implementation: Office of Risk Management to advise institutions regarding the premium refund parameters prior to renewal in December 2023.

Effective Date: 09/01/2023

Responsible Party: Office of Risk Management

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

EMERGENCY RESPONSE SCOPE OF EMPLOYMENT UNDER WORKERS' COMPENSATION

HB 3335 – Canales - Relating to employment activities of certain peace officers responding to an emergency call for purposes of the Texas Workers' Compensation Act.

Adds peace officers to the emergency responders considered to be in the course and scope of employment when traveling to an emergency call. Current law already considers travel under a special mission, such as being ordered to respond to an emergency, to be within the course and scope of employment.

Implementation: Office of Risk Management to provide education to team acknowledging legislation.

Effective Date: Effective Immediately

Responsible Party: Office of Risk Management – Workers' Compensation Insurance

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

University Lands

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University Lands

ENFORCEMENT OF FEDERAL LAWS REGULATING OIL AND GAS

HB 33 – Landgraf - Relating to the enforcement of certain federal laws regulating oil and gas operations within the State of Texas.

HB 33 pertains to the enforcement of specific federal laws related to oil and gas operations within Texas. The bill stipulates that state agencies or their employees cannot assist federal agencies in enforcing federal statutes, orders, rules, or regulations about oil and gas operations if these federal provisions are stricter than existing state laws. However, state agencies are allowed to implement a federal law if they have the delegated authority from a federal agency or can enter into an agreement with a federal agency if permitted by state law.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

LEGAL FRAMEWORK ADDRESSING “BAD FAITH WASHOUT”

HB 450 – Craddick - Relating to a cause of action for the bad faith washout of an overriding royalty interest in an oil and gas lease.

HB 450 establishes a legal framework for addressing the "bad faith washout" of overriding royalty interests in oil and gas leases. The bill defines "bad faith" as the deliberate action to eliminate or reduce an overriding royalty interest. It allows individuals to file a lawsuit if they believe their royalty interest was intentionally diminished. Successful plaintiffs may recover damages, enforce a constructive trust on the affected lease or mineral estate, and claim legal expenses. Lawsuits under this chapter must be initiated within two years of the plaintiff's awareness of the washout. The provisions apply to washouts occurring on or after September 1, 2023, with prior cases governed by pre-existing law.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

EXEMPTION FROM THE SEVERANCE TAX FOR GAS PRODUCED FROM CERTAIN WELLS

HB 591 - Relating to an exemption from the severance tax for gas produced from certain wells that is consumed near the well and would otherwise have been lawfully vented or flared.

HB 591 introduces an exemption from the severance tax for gas produced from certain wells which would have otherwise been legally vented or flared. To be eligible, the gas must be consumed within 1,000 feet of the designated qualifying well. Qualifying wells comprise those with limited pipeline capacity, those where pipeline connection is unfeasible, and those without specific contractual pipeline commitments. Well and pipeline operators can apply to the Railroad Commission for certification of a qualifying well. Approved certifications last for a year. Taxpayers seeking this exemption must apply annually to the comptroller, providing the necessary certification. The law ensures existing tax liabilities remain unaffected.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority is expressly granted to the Railroad Commission.

ENERGY CONSERVATION PROGRAMS

HB 2263 – Darby - Relating to the authority of a natural gas local distribution company to offer energy conservation programs.

HB 2263 permits local gas distribution companies to offer and deliver energy conservation programs. These programs are designed to encourage energy conservation or efficiency. The Railroad Commission holds exclusive oversight over such programs. Furthermore, political subdivisions cannot prevent customers from partaking in these programs based on the energy type or source. Distribution companies can recover program-related costs if approved by the Railroad Commission. They must periodically apply for cost recovery and submit an annual performance report of their conservation initiatives. The bill also details components of energy conservation programs, including incentives, technical assistance, and measures like weatherization for low-income customers.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority is expressly granted to the Railroad Commission.

PETITIONING GROUNDWATER CONSERVATION DISTRICTS

HB 2443 – Harris, Cody - Relating to the authority of certain persons to petition a groundwater conservation district to change certain rules.

HB 2443 provides individuals possessing a real property interest in groundwater the authority to petition a groundwater conservation district for rule adoption or modification under Chapter 36 of the Water Code. The district is mandated to detail the petition's form and its submission, consideration, and disposition procedures. Within 90 days of receiving a petition, the district must either decline the request, providing a reason for denial, or initiate rulemaking in line with the approved petition. The bill specifies that it does not establish a private right to sue based on petition acceptance or rejection decisions. Groundwater conservation districts must implement these provisions by December 1, 2023.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ADVANCED CLEAN ENERGY PROJECT DESIGNATIONS

HB 3837 – Geren - Relating to the designation of advanced clean energy projects.

HB 3837 amends the definition of "Advanced clean energy project" in the Health and Safety Code. Such projects, under the amended terms, include those utilizing certain energy sources, like coal, natural gas, or biomass, in electricity generation or liquid fuel creation, which meet specific emissions reduction standards. The standards detail reduced emissions of sulfur dioxide, mercury, nitrogen oxides, and particulate matter, and require the capture and sequestration of at least 50% of carbon dioxide. The definition also encompasses projects that use natural gas to produce methanol and subsequently convert this methanol to zero-sulfur transportation fuels. Furthermore, the bill specifies types of projects eligible for grants, including advanced clean energy projects, technology projects that decrease emissions, and electricity storage projects linked to renewable sources.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

TREATMENT, RECYLCING, OR DISPOSAL OF DRILL CUTTINGS

[SB 502](#) – Hughes - Relating to the treatment, recycling for beneficial use, or disposal of drill cuttings.

SB 502 affects the handling, beneficial recycling, and disposal of drill cuttings produced during oil or gas well drilling. The bill amends the definition of "drill cuttings" to encompass rock or soil bits, as well as associated materials like sand, silt, and drilling fluids, among others. The term "permit holder" is defined as someone licensed to operate facilities handling oil and gas waste. Importantly, the bill specifies that unless contractually agreed otherwise, a drill cuttings generator transferring these materials to an unaffiliated permit holder for beneficial uses (like road construction) or disposal is not liable for any consequences post-transfer, given certain conditions. This bill's provisions are applied to causes of action accruing on or after its effective date.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

FOOD SYSTEM SECURITY

[SB 785](#) – West - Relating to food system security and resiliency planning.

SB 785 addresses the ownership, insurance policy provisions, and rights pertaining to geothermal energy and its associated resources beneath land surfaces. First, the bill permits title insurance companies, based on their underwriting standards, to include exceptions in policies concerning mineral or geothermal interests below the land's surface. However, reductions or credits on premium charges cannot be based on these exceptions. The bill defines "by-product" from geothermal formations, excluding specific minerals and oil/gas products. Notably, unless otherwise stipulated by binding agreements, geothermal energy and associated resources below land are owned by the landowner or the surface estate owner if estates have been severed. This ownership grants rights to drill and produce geothermal resources. The bill emphasizes it doesn't change existing laws on mineral extraction or groundwater rights.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CLOSED-LOOP GEOTHERMAL INJECTION WELL REGULATIONS

SB 786 – Birdwell - Relating to the regulation by the Railroad Commission of Texas of closed-loop geothermal injection wells.

SB 786 pertains to the regulation of closed-loop geothermal injection wells by the Railroad Commission. A "closed-loop geothermal injection well" is defined as a geothermal well circulating water, other fluids, or gases through the earth for power generation or temperature control purposes. The Railroad Commission gains jurisdiction over these wells, assuming the authority to issue necessary permits. Drilling such a well requires a valid permit from the Railroad Commission. These geothermal wells are categorized as Class V wells. The Railroad Commission will develop rules for their administration and regulation. Additionally, all regulatory functions, activities, funds, and related properties concerning these wells, previously under the Texas Commission on Environmental Quality, are transferred to the Railroad Commission.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority is expressly granted to the Railroad Commission.

TEXAS PRODUCED WATER CONSORTIUM FUNDING OPERATIONS

SB 1047 – Perry - Relating to funding and activities of the Texas Produced Water Consortium.

SB 1047 concerns the funding and operations of the Texas Produced Water Consortium. Specifically, Section 109.205(c) of the Education Code is repealed. The consortium is mandated to select a pilot project or program by October 1, 2023. By October 1, 2024, they are to present a report to the legislature, detailing the status of the chosen pilot project or program and recommending any policy, regulatory, or legislative changes stemming from its analysis. Funding for these directives is contingent upon specific appropriations by the legislature. If no appropriations are made, the consortium may use other available funds but is not obliged to.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

DESIGNATING THE OPERATOR OF AN ORPHANED OIL/GAS WELL

SB 1210 – Blanco - Relating to the authority of the Railroad Commission of Texas to designate certain persons as the operator of an orphaned oil or gas well.

SB 1210 pertains to the authority of the Railroad Commission regarding the designation of certain individuals as operators for orphaned oil or gas wells. The bill introduces two new terms: "Energy conservation well," defined as a well utilized for retaining energy for electricity generation for the power grid, and "Geothermal energy and associated resources," as defined in Section 141.003. The bill also stipulates that the commission will designate a person as the well's operator if they provide a legally supported claim for a possessory right in the mineral, geothermal, or geologic space accessed by the well, a certificate of compliance, and a \$250 nonrefundable fee.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

STUDY REGARDING THE EFFECTS OF SOLAR, WIND TURBINE, AND ENERGY STORAGE EQUIPMENT

SB 1290 – Perry - Relating to a study of the effects of the installation, operation, removal, and disposal of solar, wind turbine, and energy storage equipment.

SB 1290 mandates the Texas Commission on Environmental Quality to study the environmental and watershed impacts of the installation, operation, removal, and disposal of solar, wind turbine, and energy storage equipment. For this study, the commission will collaborate with multiple entities including the Department of Agriculture, Texas A&M Forest Service, AgriLife Extension Service, Engineering Extension Service, groundwater conservation districts, and river authorities. The commission also has the option to partner with a university or foundation via a memorandum of understanding. A report detailing the findings must be submitted to state leadership by December 1, 2024. This bill is set to expire on January 1, 2025.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

CONTINUATION OF TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SB 1397 – Schwertner - Relating to the continuation and functions of the Texas Commission on Environmental Quality.

SB 1397 introduces significant amendments to the Water Code. Section 11.1471 has been adjusted to refine the procedure by which environmental flow standards are altered, with a new emphasis on stakeholder participation and biennial report submission. A new section outlines best management practices for aggregate production operations, encompassing dust control, water usage, and storage. These practices are, however, not enforceable by the commission. Additional changes emphasize the public's right to know through procedures for public notices and hearings on applications, coupled with local newspaper publishing. Some sections of the Water Code have been repealed, while others are amended to set clear training requirements for the Texas Commission on Environmental Quality members. There are also stipulated reporting deadlines for permit holders and the commission.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority previously granted to the Texas Commission on Environmental Quality.

PERMIT STANDARDS FOR CONCRETE PLANTS

SB 1399 – Schwertner - Relating to the renewal and review of standard permits for certain concrete plants.

SB 1399 pertains to the renewal and review of standard permits for specific concrete plants. The Texas Commission on Environmental Quality is mandated to review the protectiveness of these permits, focusing on air pollutant concentrations, at least once every six years. If changes are made post-review, facilities are given a reasonable timeframe to comply with the amended permits. Applications for these standard permits must include a detailed plot plan, showcasing specific elements like property lines, emission points, and more. By March 1, 2024, the commission is required to adopt rules implementing this legislation's changes.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: Rulemaking authority previously granted to the Texas Commission on Environmental Quality.

NOTICE AND PETITION REGARDING THE CREATION OF A MUNICIPAL UTILITY DISTRICT

SB 2192 – Hall - Relating to the notice and petition for the creation of a municipal utility district in certain counties.

SB 2192 addresses the notice and petition process for creating a municipal utility district within specific counties in Texas. The Texas Commission on Environmental Quality is now defined as the overseeing "Commission." Before filing a petition for the creation of such a district, a pre-petition notice must be sent to the commissioner's court of each involved county, providing details of the district's boundaries and informing the court of its rights to respond, review, and comment. The notice must be sent at least 30 days before filing the petition. The petition's content requirements are also detailed. The amendments apply to district creations post-September 1, 2023, with existing petitions following former regulations.

Implementation: No impact.

Effective Date: 09/01/2023

Responsible Party: NA

Rulemaking authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.