

By: Guillen

H.B. No. 5097

Substitute the following for H.B. No. 5097:

By: Hefner

C.S.H.B. No. 5097

A BILL TO BE ENTITLED

AN ACT

relating to the access to and use of certain criminal history record information, to the procedure for obtaining that information, and to the correct terminology for certain licenses the issuance of which requires a criminal history background check.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.0845(e), Government Code, is amended to read as follows:

(e) A person entitled to receive criminal history record information under this section must provide the department with the following information regarding the person who is the subject of the criminal history record information requested:

(1) the person's full name, date of birth, and sex, ~~[and social security number,~~] and the number assigned to any form of unexpired identification card issued by this state or another state, the District of Columbia, or a territory of the United States that includes the person's photograph;

(2) a recent electronic digital image photograph of the person and a complete set of the person's fingerprints as required by the department; and

(3) any other information required by the department.

SECTION 2. Section 411.086(b), Government Code, is amended to read as follows:

(b) Rules adopted by the department:

(1) shall provide for a uniform method of requesting criminal history record information from the department;

(2) may require a person requesting criminal history record information about an individual to submit to the department one or more of the following:

(A) the complete name, race, and sex of the individual;

(B) any known alias name of the individual;

(C) a complete set of the individual's fingerprints;

(D) a recent photograph of the individual;

(E) any known identifying number of the individual, including [~~social security number,~~] FBI number, driver's license number, or state identification number;

(F) the individual's date of birth;

(G) any known alias dates of birth of the individual; or

(H) any other information the department determines is necessary to identify the individual or the record;

(3) shall provide for the methods and formats for dissemination of criminal history record information; and

(4) shall provide security measures and policies that are designed to guard against unauthorized release or dissemination of criminal history record information that is maintained or disseminated by the department.

SECTION 3. Section 411.087(e), Government Code, is amended to read as follows:

1           (e) The department may provide access to state and national  
2 criminal history record information to a qualified entity  
3 ~~[entities]~~ entitled to that information regarding the entity's  
4 employees and contractors under the National Child Protection Act  
5 of 1993 (34 U.S.C. Section 40102) ~~[42 U.S.C. Section 5119a]~~. The  
6 department must follow federal law and regulation, federal  
7 executive orders, and federal policy in releasing information under  
8 this subsection.

9           SECTION 4. Section [411.095](#)(b), Government Code, is amended  
10 to read as follows:

11           (b) The consumer credit commissioner may not release or  
12 disclose to any person criminal history record information obtained  
13 from the Federal Bureau of Investigation under Subsection (a-1)(1),  
14 except to the person who is the subject of the criminal history  
15 record information. The consumer credit commissioner may not  
16 release or disclose criminal history record information obtained  
17 under Subsection (a-1)(2) except:

- 18                   (1) on court order;
- 19                   (2) to the person who is the subject of the criminal  
20 history record information;
- 21                   (3) with the consent of the person who is the subject  
22 of the criminal history record information; or
- 23                   (4) in a hearing where the Office of Consumer Credit  
24 Commissioner is a party.

25           SECTION 5. Section [411.106](#)(a), Government Code, is amended  
26 to read as follows:

27           (a) The Texas Department of Insurance is entitled to obtain

1 criminal history record information as provided by Subsection (a-1)  
2 that relates to a person who is:

3 (1) an applicant for a license, permit, certificate of  
4 authority, certificate of registration, or other authorization  
5 issued by the Texas Department of Insurance to engage in an activity  
6 regulated under the Insurance Code, including a person who is:

7 (A) an applicant for approval of an acquisition,  
8 change, or divestiture of control of a domestic insurer under  
9 Chapter 823, Insurance Code;

10 (B) an applicant for or holder of a surplus lines  
11 license under Chapter 981, Insurance Code, or associated with an  
12 entity that is an applicant for or holder of such a license;

13 (C) an applicant for or holder of a life  
14 insurance provider or broker license under Chapter 1111A, Insurance  
15 Code, or associated with an entity that is an applicant for or  
16 holder of such a license;

17 (D) an applicant for or holder of a title  
18 insurance agent license under Chapter 2651, Insurance Code, or  
19 associated with an entity that is an applicant for or holder of such  
20 a license;

21 (E) an applicant for or holder of an escrow  
22 officer license under Chapter 2652, Insurance Code, or associated  
23 with an entity that is an applicant for or holder of such a license;

24 (F) an applicant for or holder of an agent  
25 license, temporary license, or provisional permit under Chapter  
26 4001, Insurance Code;

27 (G) an applicant for or holder of a general

property and casualty license under Chapter 4051, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(H) an applicant for or holder of a managing general agent license under Chapter 4053, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(I) an applicant for or holder of a license under Chapter 4054, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(J) an applicant for or holder of a nonresident agent license under Chapter 4056, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(K) an applicant for or holder of an insurance adjuster license under Chapter 4101, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(L) an applicant for or holder of a public insurance adjuster license under Chapter 4102, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(M) an applicant for or holder of a certificate of authority under Chapter 4151, Insurance Code, or associated with an entity that is an applicant for or holder of such a certificate;

(N) an applicant for or holder of a reinsurance intermediary license under Chapter 4152, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

1                   (O) an applicant for or holder of a risk manager  
2 license under Chapter 4153, Insurance Code, or associated with an  
3 entity that is an applicant for or holder of such a license;

4                   (P) an applicant for or holder of a certificate  
5 of registration under Chapter 4201, Insurance Code, or associated  
6 with an entity that is an applicant for or holder of such a  
7 certificate;

8                   (Q) associated with an independent review  
9 organization that is an applicant for or holder of a certification  
10 under Chapter 4202, Insurance Code;

11                   (R) associated with a discount health care  
12 program operator that is an applicant for or holder of a  
13 registration under Chapter 7001, Insurance Code; and

14                   (S) an applicant for or holder of a license under  
15 Chapter 91, Labor Code; or

16                   (2) a corporate officer or director of an insurance  
17 company regulated by the Texas Department of Insurance, including a  
18 company that is an applicant for or holder of a certificate of  
19 authority under the following provisions of the Insurance Code:

20                   (A) Chapter 801;

21                   (B) Chapter 822;

22                   (C) Chapter 841;

23                   (D) Chapter 843;

24                   (E) Chapter 844;

25                   (F) Chapter 846;

26                   (G) Chapter 848;

27                   (H) Chapter 964;

1                   (I) Chapter 1305; and

2                   (J) Title 11.

3           SECTION 6. Section 411.1106(b), Government Code, as amended  
4 by Chapters 871 (H.B. 4123) and 1089 (S.B. 1192), Acts of the 88th  
5 Legislature, Regular Session, 2023, is reenacted, amended to  
6 correct a typographical error, and further amended to read as  
7 follows:

8           (b) The commission is entitled to obtain criminal history  
9 record information as provided by Subsection (b-1) that relates to  
10 a person who is required to be fingerprinted and is:

11               (1) an applicant for an employment or volunteer  
12 position or an applicant for a contract with the commission in which  
13 the person, as an employee, volunteer, or contractor, as ~~[an]~~  
14 applicable, would have access to sensitive personal or financial  
15 information, as determined by the executive commissioner ~~[, in:~~

16                       ~~[(A) the eligibility services division of the~~  
17 ~~commission as established under Section 531.008,~~

18                       ~~[(B) the commission's office of inspector~~  
19 ~~general as established by Section 531.008 and Subchapter C, Chapter~~  
20 ~~531, or~~

21                       ~~[(C) the regulatory services division of the~~  
22 ~~commission as established under Section 531.008]; or~~

23               (2) an employee, volunteer, or contractor of the  
24 commission who has access to sensitive personal or financial  
25 information, as determined by the executive commissioner.

26           SECTION 7. The heading to Section 411.1143, Government  
27 Code, is amended to read as follows:

1           Sec. 411.1143. ACCESS TO CRIMINAL HISTORY RECORD  
2 INFORMATION; AGENCIES ADMINISTERING OR OPERATING [~~PART OF~~] MEDICAL  
3 ASSISTANCE AND OTHER PUBLIC BENEFITS PROGRAMS [~~PROGRAM~~].

4           SECTION 8. Section 411.1143, Government Code, is amended by  
5 amending Subsections (a) and (a-1) and adding Subsection (e) to  
6 read as follows:

7           (a) The Health and Human Services Commission, an agency  
8 operating part of a public benefits program, including the medical  
9 assistance program under Chapter 32, Human Resources Code, or the  
10 office of inspector general established under Subchapter C, Chapter  
11 544, of this code [~~Government Code~~], is entitled to obtain criminal  
12 history record information as provided by Subsection (a-2) that  
13 relates to a provider under a public benefits [~~the medical~~  
14 ~~assistance~~] program administered by the commission or a person  
15 applying to enroll as a provider under a public benefits [~~the~~  
16 ~~medical assistance~~] program administered by the commission.

17           (a-1) Criminal history record information the Health and  
18 Human Services Commission or the office of inspector general is  
19 authorized to obtain under Subsection (a) includes criminal history  
20 record information relating to:

21                   (1) a person that:

22                           (A) has a direct or indirect ownership interest,  
23 or a combination of direct and indirect ownership interests, that  
24 equals five percent or more in the provider or person applying to  
25 enroll as a provider;

26                           (B) owns an interest of five percent or more in a  
27 mortgage, deed of trust, promissory note, or other obligation



secured by the provider or person applying to enroll as a provider if that interest equals at least five percent of the value of the property or other assets of the provider or person applying to enroll as a provider;

(C) is an officer or director of the provider or person applying to enroll as a provider if that provider or applicant is organized as a corporation; or

(D) is a partner in the provider or person applying to enroll as a provider if that provider or applicant is organized as a partnership ~~[a person with a direct or indirect ownership or control interest, as defined by 42 C.F.R. Section 455.101, in a provider of five percent or more]~~; and

(2) a managing employee of the provider or person applying to enroll as a provider ~~[a person whose information is required to be disclosed in accordance with 42 C.F.R. Part 1001]~~.

(e) In this section:

(1) "Managing employee", with respect to a provider or person applying to enroll as a provider, means an individual, including a general manager, business manager, administrator, or director, who:

(A) exercises operational or managerial control over all or part of the provider or applicant; or

(B) directly or indirectly conducts the daily operations of all or part of the provider or applicant.

(2) "Ownership interest", with respect to a provider or person applying to enroll as a provider, means having equity in the provider's or applicant's capital, stock, or profits.

1           (3) "Provider" means an individual or entity that  
2 engages in the delivery of health care services and is authorized to  
3 deliver those services in this state, including an individual or  
4 entity that delivers health care services to recipients under the  
5 medical assistance program.

6           SECTION 9. Section 411.122(d), Government Code, is amended  
7 to read as follows:

8           (d) The following state agencies are subject to this  
9 section:

10           (1) Texas Appraiser Licensing and Certification  
11 Board;

12           (2) Texas Board of Architectural Examiners;

13           (3) Texas Board of Chiropractic Examiners;

14           (4) State Board of Dental Examiners;

15           (5) Texas Board of Professional Engineers and Land  
16 Surveyors;

17           (6) Texas Funeral Service Commission;

18           (7) Texas Board of Professional Geoscientists;

19           (8) Health and Human Services Commission, except as  
20 provided by Section 411.110, and agencies attached to the  
21 commission;

22           (9) Texas Department of Licensing and Regulation;

23           (10) Texas Commission on Environmental Quality;

24           (11) Executive Council of Physical Therapy and  
25 Occupational Therapy Examiners;

26           (12) Texas Optometry Board;

27           (13) Texas State Board of Pharmacy;

(14) Texas State Board of Plumbing Examiners;

(15) Texas Behavioral Health Executive Council [~~State Board of Examiners of Psychologists~~];

(16) Texas Real Estate Commission;

(17) Texas Department of Transportation;

(18) State Board of Veterinary Medical Examiners;

(19) Texas Department of Housing and Community Affairs;

(20) secretary of state;

(21) state fire marshal;

(22) Texas Education Agency;

(23) Department of Agriculture; and

(24) Texas Department of Motor Vehicles.

SECTION 10. Section 411.12506(a), Government Code, is amended to read as follows:

(a) The Texas Commission on Environmental Quality is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for [~~a license, permit, or registration under~~]:

(A) a water supply system operator license required by Section 341.033 [Chapters 341, 361, and 366], Health and Safety Code;

(B) a backflow prevention assembly tester license required by Section 341.034(c), Health and Safety Code [Chapter 1903, Occupations Code]; [or]

(C) a customer service inspector license

1 required by Section 341.034(d), Health and Safety Code [~~Chapters 26~~  
2 ~~and 37, Water Code~~];

3 (D) a municipal solid waste facility supervisor  
4 license required by Section 361.027, Health and Safety Code;

5 (E) an on-site sewage facility installer license  
6 or apprentice registration required by Section 366.071(a), Health  
7 and Safety Code;

8 (F) an on-site sewage facility maintenance  
9 provider license or maintenance technician registration required  
10 by Section 366.071(a), Health and Safety Code;

11 (G) an on-site sewage facility designated  
12 representative license required by Section 366.071(b), Health and  
13 Safety Code;

14 (H) an on-site sewage facility site evaluator  
15 license required by Section 366.071(c), Health and Safety Code;

16 (I) a landscape irrigator or irrigation  
17 technician license required by Section 1903.251(a), Occupations  
18 Code;

19 (J) an irrigation inspector license required by  
20 Section 1903.251(a), Occupations Code;

21 (K) a water treatment specialist certificate  
22 required by Section 1904.052, Occupations Code;

23 (L) a wastewater treatment plant operator  
24 license required by Section 26.0301(c), Water Code;

25 (M) a wastewater collection system operator  
26 license required by Section 26.0301(c), Water Code;

27 (N) a leaking petroleum storage tank corrective

action project manager or specialist license required by Section 26.366, Water Code; or

(O) an underground storage tank on-site supervisor license required by Section 26.456, Water Code;

(2) is the holder of a license, registration, or certificate~~[, permit, or registration]~~ under a provision listed in Subdivision (1); or

(3) requests a determination of eligibility for a license, registration, or certificate~~[, permit, or registration]~~ from the agency under a provision listed in Subdivision (1).

SECTION 11. Section [411.12508](#)(a), Government Code, is amended to read as follows:

(a) The manufactured housing division of the Texas Department of Housing and Community Affairs is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for or holder of:

(A) a manufacturer's license required by Section 1201.101(a), Occupations Code;

(B) a retailer's license required by Section 1201.101(b) or (e), Occupations Code;

(C) a broker's license required by Section 1201.101(c), Occupations Code;

(D) an installer's license required by Section 1201.101(d), Occupations Code; or

(E) a salesperson's license required by Section 1201.101(f) [a license under Chapter 1201], Occupations Code; or

(2) an owner, officer, or related person or manager of a person described by Subdivision (1).

SECTION 12. Section 411.12509(a), Government Code, is amended to read as follows:

(a) The state fire marshal is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an applicant for or holder of:

(1) a fire extinguisher license or apprentice permit under Chapter 6001, Insurance Code;

(2) a fire alarm technician or residential fire alarm technician license, a residential fire alarm superintendent license, or a fire alarm planning superintendent license required by Section 6002.154, Insurance Code;

(3) a fire alarm training school or instructor approval required under Section 6002.158, Insurance Code;

(4) a fire protection sprinkler system contractor registration certificate or a responsible managing employee license required by Chapter 6003, Insurance Code; or

(5) a license required by Subchapters C and D, Chapter 2154, Occupations Code ~~[a license issued by the state fire marshal]~~.

SECTION 13. Sections 411.12510(a) and (d), Government Code, are amended to read as follows:

(a) The Texas Medical Board is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for or holder of a license to practice

1 medicine;

2 (2) an applicant for or holder of a license to practice  
3 as a physician assistant;

4 (3) an applicant for or holder of a license to practice  
5 as an acupuncturist;

6 (4) an applicant for or holder of a certificate to  
7 practice as an acudetox specialist;

8 (5) an applicant for or holder of a license to practice  
9 as a surgical assistant;

10 (6) an applicant for or holder of a general  
11 certificate to perform radiologic procedures, limited certificate  
12 to perform radiologic procedures only on specific parts of the  
13 body, or radiologist assistant certificate;

14 (7) an applicant for or holder of a placement on the  
15 registry of noncertified technicians;

16 (8) an employee of an applicant for a hardship  
17 exemption;

18 (9) an applicant for or holder of a license to practice  
19 as a medical physicist;

20 (10) an applicant for or holder of a license to  
21 practice as a perfusionist;

22 (11) an applicant for or holder of a license to  
23 practice as a respiratory care practitioner; ~~and~~

24 (12) an applicant for or holder of a pain management  
25 clinic certificate; and

26 (13) an applicant for employment at or current  
27 employee of the Texas Medical Board.

(d) The Texas Medical Board is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a hearing conducted by the Texas Medical Board or its advisory boards or by the State Office of Administrative Hearings.

SECTION 14. Section 411.12511(a), Government Code, is amended to read as follows:

(a) The Texas Department of Motor Vehicles is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person:

(1) who is an applicant for or holds a general distinguishing number under Chapter 503, Transportation Code;

(2) who is an applicant for or holds a license under Chapter 2301 or 2302, Occupations Code; ~~or~~

(3) who is an owner, officer, director, member, manager, principal, partner, trustee, or trust beneficiary of an applicant, general distinguishing number holder, or license holder; or

(4) who is an employee designated as an authorized representative by ~~[other person acting in a representative capacity for]~~ an applicant, general distinguishing number holder, or license holder and whose act or omission in the course or scope of the person's representation would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Chapter 503, Transportation Code, or Chapter 2301 or 2302, Occupations Code.

SECTION 15. Section 411.12517, Government Code, is amended



by amending Subsections (a) and (b) and adding Subsections (a-1), (a-2), (g), and (h) to read as follows:

(a) The Texas State Board of Pharmacy is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for or holder of a ~~[license, certificate,]~~ registration as a pharmacist-intern under Section 557.001~~[, permit, or other authorization under Chapters 557, 558, 559, and 568]~~, Occupations Code;

(2) is an applicant for or holder of a ~~[Class A, Class B, Class C, Class D, or Class E pharmacy]~~ license by examination to practice pharmacy under Section 558.051 ~~[Chapters 560 and 561]~~, Occupations Code;

(3) is an applicant for or holder of a license by reciprocity to practice pharmacy under Section 558.101, Occupations Code;

(4) is an applicant for or holder of a provisional license to practice pharmacy under Subchapter D, Chapter 558, Occupations Code;

(5) is an applicant for or holder of a registration as a pharmacy technician or a pharmacy technician trainee under Section 568.002, Occupations Code;

(6) [~~(3)~~] requests a determination of eligibility for a license, certificate, registration, permit, or other authorization from the Texas State Board of Pharmacy under Subchapter D, Chapter 53, Occupations Code; or

(7) [~~(4)~~] is an applicant for employment at or current

employee of the Texas State Board of Pharmacy.

(a-1) The Texas State Board of Pharmacy is entitled to obtain a complete set of fingerprints from a person described by Subsection (a).

(a-2) The Texas State Board of Pharmacy is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) a partner, officer, director, managing employee, or owner or person who controls the owner of a pharmacy; and

(2) an applicant for or a holder of a Class A, B, C, D, or E pharmacy license issued under Section 560.051, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas State Board of Pharmacy is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a) or (a-2); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a) or (a-2).

(g) The failure or refusal of an employee of or an applicant for employment at the Texas State Board of Pharmacy to provide the following on request constitutes good cause for dismissal or refusal to hire:

1           (1) a complete set of fingerprints;  
2           (2) a true and complete name; or  
3           (3) other information necessary for a law enforcement  
4 entity to obtain criminal history record information.

5           (h) An applicant for renewal of a license or registration  
6 described by Subsection (a) who has not yet submitted a complete set  
7 of fingerprints as part of a previous application for the license or  
8 registration shall submit to the Texas State Board of Pharmacy a  
9 complete set of fingerprints with the person's completed  
10 application for renewal. Failure to submit a complete set of  
11 fingerprints under this subsection may result in a suspension or  
12 refusal to renew the applicable license or registration by the  
13 Texas State Board of Pharmacy.

14           SECTION 16. Section 411.136(c), Government Code, is amended  
15 to read as follows:

16           (c) The public or nonprofit hospital or hospital district  
17 shall adopt a uniform method to obtain criminal history record  
18 information from persons described by Subsection (b). The hospital  
19 or district may require the complete name, driver's license number,  
20 or fingerprints~~[, or social security number]~~ of those persons.

21           SECTION 17. Section 503.308, Occupations Code, is amended  
22 to read as follows:

23           Sec. 503.308. ASSOCIATE ~~[TEMPORARY]~~ LICENSE. (a) The  
24 executive council by rule may provide for the issuance of an  
25 associate ~~[a temporary]~~ license. Rules adopted under this  
26 subsection must provide a time limit for the period an associate ~~[a~~  
27 ~~temporary]~~ license is valid.

1           (b) The executive council by rule may adopt a system under  
2 which an associate [~~a temporary~~] license may be issued to a person  
3 who:

4                   (1) meets all of the academic and examination  
5 requirements for licensing; and

6                   (2) enters into a supervisory agreement with a  
7 supervisor approved by the executive council.

8           SECTION 18. To the extent of any conflict, this Act prevails  
9 over another Act of the 89th Legislature, Regular Session, 2025,  
10 relating to nonsubstantive additions to and corrections in enacted  
11 codes.

12           SECTION 19. This Act takes effect September 1, 2025.