

1-1 By: Goldman (Senate Sponsor - Hancock) H.B. No. 2847  
 1-2 (In the Senate - Received from the House April 26, 2019;  
 1-3 April 30, 2019, read first time and referred to Committee on  
 1-4 Business & Commerce; May 14, 2019, reported adversely, with  
 1-5 favorable Committee Substitute by the following vote: Yeas 6,  
 1-6 Nays 0; May 14, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16			X	
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2847 By: Hancock

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the licensing and regulation of certain occupations,  
 1-22 activities, and agreements; providing a civil penalty; authorizing  
 1-23 fees; requiring an occupational registration and an occupational  
 1-24 license.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 ARTICLE 1. EXCESS WEAR AND USE WAIVERS FOR LEASES OF MOTOR VEHICLES  
 1-27 SECTION 1.001. Subtitle B, Title 5, Business & Commerce  
 1-28 Code, is amended by adding Chapter 94 to read as follows:

1-29 CHAPTER 94. EXCESS WEAR AND USE WAIVERS FOR LEASES OF MOTOR  
 1-30 VEHICLES

1-31 Sec. 94.001. DEFINITIONS. In this chapter:

1-32 (1) "Excess wear and use waiver" means a provision of  
 1-33 or addendum to a lease agreement under which the lessor agrees to  
 1-34 not hold a lessee liable for all or part of the excess wear and use  
 1-35 to a motor vehicle.

1-36 (2) "Lease agreement" means an agreement, including  
 1-37 any addendum to the agreement, entered into in this state under  
 1-38 which a lessee pays a fee or other consideration to a lessor for the  
 1-39 right to possession and use of a motor vehicle for a term of more  
 1-40 than 180 days, regardless of whether the agreement provides the  
 1-41 lessee an option to purchase or otherwise become the owner of the  
 1-42 motor vehicle upon the expiration of the term of the agreement.

1-43 (3) "Lessee" means an individual who acquires the  
 1-44 right to possession and use of a motor vehicle under a lease  
 1-45 agreement primarily for personal, family, or household purposes.

1-46 (4) "Lessor" means a person who, in the ordinary  
 1-47 course of business, regularly leases, offers to lease, or arranges  
 1-48 for the lease of a motor vehicle under a lease agreement. Unless  
 1-49 the context clearly indicates otherwise, the term includes an  
 1-50 assignee of the lessor.

1-51 (5) "Motor vehicle" has the meaning assigned by  
 1-52 Section 541.201, Transportation Code.

1-53 Sec. 94.002. CONTRACT FOR EXCESS WEAR AND USE WAIVER. A  
 1-54 lessee may contract with a lessor for an excess wear and use waiver  
 1-55 in connection with a lease agreement.

1-56 Sec. 94.003. RESTRICTIONS ON LESSOR CONCERNING EXCESS WEAR  
 1-57 AND USE WAIVER. A lessor may not:

1-58 (1) sell an excess wear and use waiver, unless:

1-59 (A) the lease agreement containing the excess  
 1-60 wear and use waiver complies with this chapter; and

2-1 (B) the lessee agrees to the excess wear and use  
2-2 waiver in writing; or  
2-3 (2) impose or require the purchase of an excess wear  
2-4 and use waiver as a condition of entering into a lease agreement.

2-5 Sec. 94.004. REQUIRED NOTICE. An excess wear and use waiver  
2-6 must be in writing and include a notice substantially similar to the  
2-7 following:

2-8 "This excess wear and use waiver is optional, is not a  
2-9 condition of leasing the vehicle, and is being provided for an  
2-10 additional charge to cover your responsibility for any excess wear  
2-11 and use to the leased vehicle."

2-12 Sec. 94.005. REQUIRED DISCLOSURES. A lease agreement that  
2-13 includes an excess wear and use waiver must disclose:

2-14 (1) the total charge for the excess wear and use  
2-15 waiver; and

2-16 (2) any exclusions or limitations on the amount of  
2-17 excess wear and use that may be waived under the excess wear and use  
2-18 waiver.

2-19 Sec. 94.006. RELATIONSHIP TO INSURANCE. An excess wear and  
2-20 use waiver is not insurance.

2-21 Sec. 94.007. CIVIL PENALTY. A lessor that violates this  
2-22 chapter is liable for a civil penalty in an amount of not less than  
2-23 \$500 or more than \$1,000 for each violation.

2-24 Sec. 94.008. INJUNCTIVE RELIEF. A person injured or  
2-25 threatened with injury by a violation of this chapter may seek  
2-26 injunctive relief against the person committing or threatening to  
2-27 commit the violation.

2-28 Sec. 94.009. SUIT FOR CIVIL PENALTY OR INJUNCTIVE RELIEF.  
2-29 The attorney general or a county or district attorney may bring an  
2-30 action in the name of the state for a civil penalty under Section  
2-31 94.007, injunctive relief under Section 94.008, or both.

2-32 SECTION 1.002. The change in law made by this article  
2-33 applies only to a lease agreement entered into on or after the  
2-34 effective date of this Act. A lease agreement entered into before  
2-35 the effective date of this Act is governed by the law in effect on  
2-36 the date the lease agreement was entered into, and the former law is  
2-37 continued in effect for that purpose.

ARTICLE 2. DRIVER EDUCATION

2-38 SECTION 2.001. Section 1001.001(7), Education Code, is  
2-39 amended to read as follows:

2-40 (7) "Driver education school" means an enterprise  
2-41 that:

2-42 (A) maintains a place of business or solicits  
2-43 business in this state; and

2-44 (B) is operated by an individual, association,  
2-45 partnership, or corporation for educating and training persons [~~at~~  
2-46 a primary or branch location] in driver education or driver  
2-47 education instructor development.

2-48 SECTION 2.002. Section 1001.151(e), Education Code, is  
2-49 amended to read as follows:

2-50 (e) The commission may establish a fee for an application  
2-51 for approval to offer a driver education course [~~by an alternative~~  
2-52 method of instruction under Section 1001.3541].

2-53 SECTION 2.003. Section 1001.204(b), Education Code, is  
2-54 amended to read as follows:

2-55 (b) The department shall approve an application for a driver  
2-56 education school license if the application is submitted on a form  
2-57 approved by the department [~~executive director~~], the application is  
2-58 accompanied by [~~includes~~] the fee, and the department determines  
2-59 [~~on inspection of the premises of the school, it is determined~~] that  
2-60 the school:

2-61 (1) has courses, curricula, and instruction of a  
2-62 quality, content, and length that reasonably and adequately achieve  
2-63 the stated objective for which the courses, curricula, and  
2-64 instruction are offered;

2-65 (2) has adequate space, equipment, instructional  
2-66 material, and instructors to provide training of good quality in  
2-67 the classroom and behind the wheel, if applicable;

2-68 (3) has instructors who have adequate educational  
2-69

3-1 qualifications and experience;  
 3-2 (4) provides to each student before enrollment:  
 3-3 (A) a copy of:  
 3-4 (i) the refund policy;  
 3-5 (ii) the schedule of tuition, fees, and  
 3-6 other charges; and  
 3-7 (iii) the regulations relating to absence,  
 3-8 grading policy, and rules of operation and conduct; and  
 3-9 (B) the department's name, mailing address,  
 3-10 telephone number, and Internet website address for the purpose of  
 3-11 directing complaints to the department;  
 3-12 (5) maintains adequate records as prescribed by the  
 3-13 department to show attendance and progress or grades and enforces  
 3-14 satisfactory standards relating to attendance, progress, and  
 3-15 conduct;  
 3-16 (6) on completion of training, issues each student a  
 3-17 certificate indicating the course name and satisfactory  
 3-18 completion;  
 3-19 (7) complies with all county, municipal, state, and  
 3-20 federal regulations, including fire, building, and sanitation  
 3-21 codes and assumed name registration, if applicable;  
 3-22 (8) is financially sound and capable of fulfilling its  
 3-23 commitments for training;  
 3-24 (9) maintains and publishes as part of its student  
 3-25 enrollment contract the proper policy for the refund of the unused  
 3-26 portion of tuition, fees, and other charges if a student fails to  
 3-27 take the course or withdraws or is discontinued from the school at  
 3-28 any time before completion;  
 3-29 (10) does not use erroneous or misleading advertising,  
 3-30 either by actual statement, omission, or intimation, as determined  
 3-31 by the department;  
 3-32 (11) does not use a name similar to the name of another  
 3-33 existing school or tax-supported educational institution in this  
 3-34 state, unless specifically approved in writing by the executive  
 3-35 director;  
 3-36 (12) submits to the department for approval the  
 3-37 applicable course hour lengths and curriculum content for each  
 3-38 course offered by the school;  
 3-39 (13) does not owe an administrative penalty for a  
 3-40 violation of this chapter; ~~and~~  
 3-41 (14) meets any additional criteria required by the  
 3-42 department, including any applicable inspection requirements; and  
 3-43 (15) provides adequate testing and security measures  
 3-44 for the school's method of instruction.  
 3-45 SECTION 2.004. Section 1001.2513, Education Code, is  
 3-46 amended to read as follows:  
 3-47 Sec. 1001.2513. CONFIDENTIALITY OF INFORMATION. A social  
 3-48 security number, driver's license number, other identification  
 3-49 number, or fingerprint record [Information] collected for [about] a  
 3-50 person to comply with Section 1001.2511~~[, including the person's~~  
 3-51 ~~name, address, phone number, social security number, driver's~~  
 3-52 ~~license number, other identification number, and fingerprint~~  
 3-53 ~~records]~~:  
 3-54 (1) may not be released except:  
 3-55 (A) to provide relevant information to driver  
 3-56 education schools or otherwise to comply with Section 1001.2511;  
 3-57 (B) by court order; or  
 3-58 (C) with the consent of the person who is the  
 3-59 subject of the information;  
 3-60 (2) is not subject to disclosure as provided by  
 3-61 Chapter 552, Government Code; and  
 3-62 (3) shall be destroyed by the requestor or any  
 3-63 subsequent holder of the information not later than the first  
 3-64 anniversary of the date the information is received.  
 3-65 SECTION 2.005. Subchapter F, Chapter 1001, Education Code,  
 3-66 is amended by adding Sections 1001.2531, 1001.2532, 1001.2533,  
 3-67 1001.2534, and 1001.2535 to read as follows:  
 3-68 Sec. 1001.2531. DRIVER EDUCATION INSTRUCTOR REQUIREMENTS.  
 3-69 (a) The commission by rule shall establish standards for a driver

4-1 education instructor to be certified as a teaching assistant,  
4-2 driver education teacher, or supervising teacher.

4-3 (b) An applicant for a driver education instructor license  
4-4 under this section must:

4-5 (1) apply to the department on a form prescribed by the  
4-6 department and under rules adopted by the commission;

4-7 (2) submit with the application a nonrefundable  
4-8 application fee in an amount set by commission rule; and

4-9 (3) present satisfactory evidence to the department  
4-10 that the applicant:

4-11 (A) is at least 21 years of age;

4-12 (B) holds a high school diploma or high school  
4-13 equivalency certificate; and

4-14 (C) meets any other requirement established by  
4-15 commission rule.

4-16 Sec. 1001.2532. TEACHING ASSISTANT. (a) A teaching  
4-17 assistant is a driver education instructor who is authorized to  
4-18 teach or provide only behind-the-wheel training.

4-19 (b) To be eligible to be certified as a teaching assistant,  
4-20 a driver education instructor must:

4-21 (1) have successfully completed:

4-22 (A) six semester hours of driver and traffic  
4-23 safety education from an accredited college or university; or

4-24 (B) a teaching assistant development course  
4-25 approved by the department; and

4-26 (2) pass any required examination.

4-27 Sec. 1001.2533. DRIVER EDUCATION TEACHER. (a) A driver  
4-28 education teacher is a driver education instructor who is  
4-29 authorized to teach or provide behind-the-wheel training and  
4-30 classroom training.

4-31 (b) To be eligible to be certified as a driver education  
4-32 teacher, a driver education instructor must:

4-33 (1) have successfully completed:

4-34 (A) nine semester hours of driver and traffic  
4-35 safety education from an accredited college or university; or

4-36 (B) a driver education teacher development  
4-37 course approved by the department; and

4-38 (2) pass any required examination.

4-39 Sec. 1001.2534. SUPERVISING TEACHER. (a) A supervising  
4-40 teacher is a driver education instructor who is authorized to teach  
4-41 instructor training classes.

4-42 (b) To be eligible to be certified as a supervising teacher,  
4-43 a driver education instructor must have:

4-44 (1) been certified as a driver education teacher for  
4-45 at least one year; and

4-46 (2) successfully completed:

4-47 (A) 15 semester hours of driver and traffic  
4-48 safety education from an accredited college or university; or

4-49 (B) a supervising teacher development course  
4-50 approved by the department.

4-51 (c) The commission, department, or executive director may  
4-52 adopt an alternative method to determine or verify an instructor's  
4-53 eligibility under Subsection (b).

4-54 Sec. 1001.2535. DEVELOPMENT COURSE FOR TEACHING ASSISTANT,  
4-55 DRIVER EDUCATION TEACHER, OR SUPERVISING TEACHER. The classroom  
4-56 portion of a development course required for certification as a  
4-57 teaching assistant, driver education teacher, or supervising  
4-58 teacher may be completed online.

4-59 SECTION 2.006. Subchapter H, Chapter 1001, Education Code,  
4-60 is amended by adding Section 1001.3542 to read as follows:

4-61 Sec. 1001.3542. METHOD OF INSTRUCTION FOR DRIVER EDUCATION  
4-62 COURSE. A driver education school may teach a driver education  
4-63 course by any method approved by the department, including an  
4-64 alternative method under Section 1001.3541 or a traditional method  
4-65 under Subchapter C.

4-66 SECTION 2.007. The following provisions of the Education  
4-67 Code are repealed:

4-68 (1) Sections 1001.253, 1001.254, and 1001.256; and

4-69 (2) Section 1001.3541(b).



5-1 SECTION 2.008. (a) As soon as practicable after the  
 5-2 effective date of this Act, the Texas Commission of Licensing and  
 5-3 Regulation shall adopt rules to implement Section 1001.204(b),  
 5-4 Education Code, as amended by this article, and Section 1001.2531,  
 5-5 Education Code, as added by this article.

5-6 (b) A driver education instructor license issued under  
 5-7 Section 1001.253, Education Code, before the repeal of that section  
 5-8 by this article, continues to be valid until the license expires,  
 5-9 and former Section 1001.253, Education Code, is continued in effect  
 5-10 for that purpose.

5-11 (c) A person who holds on the effective date of this Act a  
 5-12 driver education instructor license described by former Section  
 5-13 1001.253(b), Education Code, is entitled on expiration of that  
 5-14 license to issuance of a driver education instructor license  
 5-15 certified as a teaching assistant under Section 1001.2532,  
 5-16 Education Code, as added by this article, if the person otherwise  
 5-17 meets the requirements for renewal of a driver education instructor  
 5-18 license certified as a teaching assistant.

5-19 (d) A person who holds on the effective date of this Act a  
 5-20 driver education instructor license described by former Section  
 5-21 1001.253(c), Education Code, is entitled on expiration of that  
 5-22 license to issuance of a driver education instructor license  
 5-23 certified as a driver education teacher under Section 1001.2533,  
 5-24 Education Code, as added by this article, if the person otherwise  
 5-25 meets the requirements for renewal of a driver education instructor  
 5-26 license certified as a driver education teacher.

5-27 (e) A person who holds on the effective date of this Act a  
 5-28 driver education instructor license described by former Section  
 5-29 1001.253(e), Education Code, is entitled on expiration of that  
 5-30 license to issuance of a driver education instructor license  
 5-31 certified as a supervising teacher under Section 1001.2534,  
 5-32 Education Code, as added by this article, if the person otherwise  
 5-33 meets the requirements for renewal of a driver education instructor  
 5-34 license certified as a supervising teacher.

5-35 (f) The changes in law made by this article do not affect the  
 5-36 validity of a disciplinary action or other proceeding that was  
 5-37 initiated before the effective date of this Act and that is pending  
 5-38 before a court or other governmental entity on the effective date of  
 5-39 this Act.

5-40 (g) Sections 1001.2531, 1001.2532, 1001.2533, and  
 5-41 1001.2534, Education Code, as added by this article, apply only to  
 5-42 an application for, or renewal of, an instructor license submitted  
 5-43 to the Texas Department of Licensing and Regulation on or after the  
 5-44 effective date of this Act. An application submitted before that  
 5-45 date is governed by the law in effect when the application was  
 5-46 submitted, and the former law is continued in effect for that  
 5-47 purpose.

#### 5-48 ARTICLE 3. LASER HAIR REMOVAL

5-49 SECTION 3.001. Subchapter M, Chapter 401, Health and Safety  
 5-50 Code, is amended by adding Section 401.509 to read as follows:

5-51 Sec. 401.509. CONTINUING EDUCATION. The commission by rule  
 5-52 shall establish continuing education requirements for renewal of a  
 5-53 certificate under this subchapter.

5-54 SECTION 3.002. As soon as practicable after the effective  
 5-55 date of this Act, the Texas Commission of Licensing and Regulation  
 5-56 shall adopt the rules necessary to implement Section 401.509,  
 5-57 Health and Safety Code, as added by this article.

#### 5-58 ARTICLE 4. PHARMACISTS

5-59 SECTION 4.001. Section 481.075(i), Health and Safety Code,  
 5-60 is amended to read as follows:

5-61 (i) Each dispensing pharmacist shall:

5-62 (1) fill in on the official prescription form or note  
 5-63 in the electronic prescription record each item of information  
 5-64 given orally to the dispensing pharmacy under Subsection (h) and  
 5-65 the date the prescription is filled, and:

5-66 (A) for a written prescription, fill in the  
 5-67 dispensing pharmacist's signature; or

5-68 (B) for an electronic prescription,  
 5-69 appropriately record the identity of the dispensing pharmacist in

6-1 the electronic prescription record;

6-2 (2) retain with the records of the pharmacy for at

6-3 least two years:

6-4 (A) the official prescription form or the

6-5 electronic prescription record, as applicable; and

6-6 (B) the name or other patient identification

6-7 required by Section 481.074(m) or (n); ~~and~~

6-8 (3) send all required information, including any

6-9 information required to complete an official prescription form or

6-10 electronic prescription record, to the board by electronic transfer

6-11 or another form approved by the board not later than the next

6-12 business day after the date the prescription is completely filled;

6-13 and

6-14 (4) if the pharmacy does not dispense any controlled

6-15 substance prescriptions during a period of seven consecutive days,

6-16 send a report to the board indicating that the pharmacy did not

6-17 dispense any controlled substance prescriptions during that

6-18 period, unless the pharmacy has obtained a waiver or permission to

6-19 delay reporting to the board.

6-20 SECTION 4.002. Sections 481.076(a) and (k), Health and

6-21 Safety Code, are amended to read as follows:

6-22 (a) The board may not permit any person to have access to

6-23 information submitted to the board under Section 481.074(q) or

6-24 481.075 except:

6-25 (1) the board, the Texas Medical Board, the Texas

6-26 Department of Licensing and Regulation, with respect to the

6-27 regulation of podiatrists [~~State Board of Podiatric Medical~~

6-28 ~~Examiners~~], the State Board of Dental Examiners, the State Board of

6-29 Veterinary Medical Examiners, the Texas Board of Nursing, or the

6-30 Texas Optometry Board for the purpose of:

6-31 (A) investigating a specific license holder; or

6-32 (B) monitoring for potentially harmful

6-33 prescribing or dispensing patterns or practices under Section

6-34 481.0762;

6-35 (2) an authorized officer or member of the department

6-36 or authorized employee of the board engaged in the administration,

6-37 investigation, or enforcement of this chapter or another law

6-38 governing illicit drugs in this state or another state;

6-39 (3) the department on behalf of a law enforcement or

6-40 prosecutorial official engaged in the administration,

6-41 investigation, or enforcement of this chapter or another law

6-42 governing illicit drugs in this state or another state;

6-43 (4) a medical examiner conducting an investigation;

6-44 (5) provided that accessing the information is

6-45 authorized under the Health Insurance Portability and

6-46 Accountability Act of 1996 (Pub. L. No. 104-191) and regulations

6-47 adopted under that Act:

6-48 (A) a pharmacist or a pharmacist-intern,

6-49 pharmacy technician, or pharmacy technician trainee, as defined by

6-50 Section 551.003, Occupations Code, acting at the direction of a

6-51 pharmacist, who is inquiring about a recent Schedule II, III, IV, or

6-52 V prescription history of a particular patient of the pharmacist;

6-53 or

6-54 (B) a practitioner who:

6-55 (i) is a physician, dentist, veterinarian,

6-56 podiatrist, optometrist, or advanced practice nurse or is a

6-57 physician assistant described by Section 481.002(39)(D) or an

6-58 employee or other agent of a practitioner acting at the direction of

6-59 a practitioner; and

6-60 (ii) is inquiring about a recent Schedule

6-61 II, III, IV, or V prescription history of a particular patient of

6-62 the practitioner;

6-63 (6) a pharmacist or practitioner who is inquiring

6-64 about the person's own dispensing or prescribing activity or a

6-65 practitioner who is inquiring about the prescribing activity of an

6-66 individual to whom the practitioner has delegated prescribing

6-67 authority; or

6-68 (7) one or more states or an association of states with

6-69 which the board has an interoperability agreement, as provided by

7-1 Subsection (j).

7-2 (k) A person authorized to access information under  
 7-3 Subsection (a)(4) or (5) who is registered with the board for  
 7-4 electronic access to the information is entitled to directly access  
 7-5 the information available from other states pursuant to an  
 7-6 interoperability agreement described by Subsection (j).

7-7 SECTION 4.003. Section 481.0766(a), Health and Safety Code,  
 7-8 is amended to read as follows:

7-9 (a) A wholesale distributor shall report to the board the  
 7-10 distribution of all Schedules II, III, IV, and V controlled  
 7-11 substances [information that the distributor is required to report  
 7-12 to the Automation of Reports and Consolidated Orders System (ARCOS)  
 7-13 of the Federal Drug Enforcement Administration for the distribution  
 7-14 of a controlled substance] by the distributor to a person in this  
 7-15 state. The distributor shall report the information to the board in  
 7-16 the same format and with the same frequency as the information is  
 7-17 reported to the Federal Drug Enforcement Administration [ARCOS].

7-18 SECTION 4.004. Section 481.353(a), Health and Safety Code,  
 7-19 is amended to read as follows:

7-20 (a) The work group shall meet when necessary as determined  
 7-21 by the board [at least quarterly].

7-22 SECTION 4.005. Section 560.051(f), Occupations Code, is  
 7-23 amended to read as follows:

7-24 (f) A Class E pharmacy license or nonresident pharmacy  
 7-25 license may be issued to a pharmacy located in another state whose  
 7-26 primary business is to:

7-27 (1) ~~[(A)]~~ dispense a prescription drug or device under  
 7-28 a prescription drug order ~~[+]~~ and

7-29 ~~[(B)]~~ deliver the drug or device to a patient,  
 7-30 including a patient in this state, by United States mail, common  
 7-31 carrier, or delivery service;

7-32 (2) process a prescription drug order for a patient,  
 7-33 including a patient in this state; or

7-34 (3) perform another pharmaceutical service, as  
 7-35 defined by board rule.

7-36 SECTION 4.006. The following provisions of the Occupations  
 7-37 Code are repealed:

7-38 (1) Sections 554.016, 556.0555, 560.001(c), 560.0525,  
 7-39 561.003(f), 562.101(f-1), and 562.111; and

7-40 (2) Subchapter E, Chapter 562.

7-41 SECTION 4.007. To the extent of any conflict, Section  
 7-42 481.076(a), Health and Safety Code, as amended by this article,  
 7-43 prevails over another Act of the 86th Legislature, Regular Session,  
 7-44 2019, relating to nonsubstantive additions to and corrections in  
 7-45 enacted codes.

7-46 ARTICLE 5. ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

7-47 SECTION 5.001. Chapter 754, Health and Safety Code, is  
 7-48 amended by adding Section 754.026 to read as follows:

7-49 Sec. 754.026. DISCLOSURE OF E-MAIL ADDRESS.  
 7-50 Notwithstanding any other law, an e-mail address provided to the  
 7-51 department relating to an inspection or review of plans under this  
 7-52 chapter is not confidential and is subject to disclosure under  
 7-53 Chapter 552, Government Code.

7-54 ARTICLE 6. BOILERS

7-55 SECTION 6.001. Section 755.025, Health and Safety Code, is  
 7-56 amended by adding Subsection (h) to read as follows:

7-57 (h) Notwithstanding any other law, an e-mail address  
 7-58 provided to the department relating to an inspection under this  
 7-59 chapter is not confidential and is subject to disclosure under  
 7-60 Chapter 552, Government Code.

7-61 SECTION 6.002. Section 755.029(c), Health and Safety Code,  
 7-62 is amended to read as follows:

7-63 (c) A certificate of operation must be posted ~~[under glass]~~  
 7-64 in a conspicuous place on or near the boiler for which it is issued.

7-65 ARTICLE 7. TEXAS DEPARTMENT OF LICENSING AND REGULATION

7-66 SECTION 7.001. Section 51.203, Occupations Code, is amended  
 7-67 to read as follows:

7-68 Sec. 51.203. RULES REGARDING PROGRAMS REGULATED BY  
 7-69 DEPARTMENT. (a) The commission shall adopt rules as necessary to

8-1 implement each law establishing a program regulated by the  
8-2 department.

8-3 (b) Notwithstanding any other law, for each program  
8-4 regulated by the department, including a program under which a  
8-5 license is issued by the department, the commission by rule may  
8-6 establish:

8-7 (1) the length of a license term, not to exceed two  
8-8 years;

8-9 (2) a fee for the issuance or renewal of a license; and

8-10 (3) any continuing education required to renew a  
8-11 license.

8-12 SECTION 7.002. Section 51.2031(a-2), Occupations Code, is  
8-13 amended to read as follows:

8-14 (a-2) For each rule proposed under Subsection (a-1), the  
8-15 commission shall either adopt the rule as proposed or return the  
8-16 rule to the advisory board for revision. The commission retains  
8-17 authority for final adoption of all rules and is responsible for  
8-18 ensuring compliance with all laws regarding the rulemaking process.  
8-19 [~~This subsection and Subsection (a-1) expire September 1, 2019.~~]

8-20 SECTION 7.003. Section 51.252, Occupations Code, is amended  
8-21 by amending Subsection (b) and adding Subsections (b-1) and (e) to  
8-22 read as follows:

8-23 (b) The department shall maintain a file on each written  
8-24 complaint filed with the department. The file must include:

8-25 (1) except for a complaint described by Subsection  
8-26 (b-1), the name of the person who filed the complaint;

8-27 (2) the date the complaint is received by the  
8-28 department;

8-29 (3) the subject matter of the complaint;

8-30 (4) the name of each person contacted in relation to  
8-31 the complaint;

8-32 (5) a summary of the results of the review or  
8-33 investigation of the complaint; and

8-34 (6) an explanation of the reason the file was closed,  
8-35 if the department closed the file without taking action other than  
8-36 to investigate the complaint.

8-37 (b-1) The department may accept, but is not required to  
8-38 investigate, a complaint that lacks sufficient information to  
8-39 identify the source or the name of the person who filed the  
8-40 complaint.

8-41 (e) The department may contract with a qualified  
8-42 individual, including an advisory board member unless otherwise  
8-43 prohibited by law, to assist the department with reviewing or  
8-44 investigating complaints filed with the department. Except for an  
8-45 act of the individual involving fraud, conspiracy, or malice, an  
8-46 individual with whom the department contracts under this subsection  
8-47 is immune from liability and may not be subject to a suit for  
8-48 damages for any act arising from the performance of the  
8-49 individual's duties in:

8-50 (1) participating in an informal conference to  
8-51 determine the facts of a complaint;

8-52 (2) evaluating evidence in a complaint and offering an  
8-53 expert opinion or technical guidance on an alleged violation of:

8-54 (A) a law establishing a regulatory program  
8-55 administered by the department; or

8-56 (B) a rule adopted or order issued by the  
8-57 executive director or commission;

8-58 (3) testifying at a hearing regarding a complaint; or

8-59 (4) making an evaluation, report, or recommendation  
8-60 regarding a complaint.

8-61 SECTION 7.004. Subchapter E, Chapter 51, Occupations Code,  
8-62 is amended by adding Section 51.254 to read as follows:

8-63 Sec. 51.254. CONFIDENTIALITY OF COMPLAINT AND DISCIPLINARY  
8-64 INFORMATION. (a) In this section, unless the context requires  
8-65 otherwise:

8-66 (1) "Disciplinary action" includes, with respect to  
8-67 any person subject to regulation by the department or the  
8-68 commission:

8-69 (A) enforcement activity, prosecution,



9-1 discipline, or penalization; and  
9-2 (B) any related complaint, investigation, or  
9-3 resolution of a complaint or investigation.  
9-4 (2) "Patient" includes:  
9-5 (A) a patient;  
9-6 (B) a client; and  
9-7 (C) an authorized representative of a patient or  
9-8 client.  
9-9 (b) This section applies to health-related professions  
9-10 regulated by this state the administration of which is assigned to  
9-11 the department by law, including the following professions:  
9-12 (1) athletic trainers regulated under Chapter 451;  
9-13 (2) behavior analysts regulated under Chapter 506;  
9-14 (3) dietitians regulated under Chapter 701;  
9-15 (4) dyslexia practitioners and dyslexia therapists  
9-16 regulated under Chapter 403;  
9-17 (5) hearing instrument fitters and dispensers  
9-18 regulated under Chapter 402;  
9-19 (6) massage therapists regulated under Chapter 455;  
9-20 (7) midwives regulated under Chapter 203;  
9-21 (8) orthotists and prosthetists regulated under  
9-22 Chapter 605;  
9-23 (9) podiatrists regulated under Chapter 202; and  
9-24 (10) speech-language pathologists and audiologists  
9-25 regulated under Chapter 401.  
9-26 (c) Except as otherwise provided by this section, a  
9-27 complaint and investigation concerning a person to whom this  
9-28 section applies and all information and materials subpoenaed or  
9-29 compiled by the department in connection with the complaint and  
9-30 investigation are confidential and not subject to:  
9-31 (1) disclosure under Chapter 552, Government Code; or  
9-32 (2) disclosure, discovery, subpoena, or other means of  
9-33 legal compulsion for their release to any person.  
9-34 (d) A complaint or investigation subject to this section and  
9-35 all information and materials subpoenaed or compiled by the  
9-36 department in connection with the complaint and investigation may  
9-37 be disclosed to:  
9-38 (1) persons involved with the department in a  
9-39 disciplinary action;  
9-40 (2) a respondent or the respondent's authorized  
9-41 representative;  
9-42 (3) a governmental agency, if:  
9-43 (A) the disclosure is required or permitted by  
9-44 law; and  
9-45 (B) the agency obtaining the disclosure protects  
9-46 the identity of any patient whose records are examined;  
9-47 (4) a professional licensing, credentialing, or  
9-48 disciplinary entity in another jurisdiction;  
9-49 (5) a peer assistance program approved by the  
9-50 commission under Chapter 467, Health and Safety Code, including a  
9-51 properly established peer assistance program in another  
9-52 jurisdiction;  
9-53 (6) a peer review committee reviewing a license  
9-54 holder's application for privileges or the license holder's  
9-55 qualifications related to retaining the privileges;  
9-56 (7) a law enforcement agency; and  
9-57 (8) a person engaged in bona fide research, if all  
9-58 individual-identifying information has been deleted.  
9-59 (e) Notwithstanding any other provision of this section, if  
9-60 a department investigation would be jeopardized by the release or  
9-61 disclosure, the department may temporarily withhold or otherwise  
9-62 refrain from releasing or disclosing to any person any information  
9-63 or materials that the department would otherwise be required to  
9-64 release or disclose.  
9-65 (f) The department may not be compelled to release or  
9-66 disclose complaint and investigation information or materials to a  
9-67 person listed in Subsection (d) if the department has not issued a  
9-68 notice of alleged violation related to the information or  
9-69 materials.

10-1 (g) The department may release or disclose complaint and  
 10-2 investigation information or materials in accordance with  
 10-3 Subsection (d) at any stage of a disciplinary action.

10-4 (h) The department shall protect the identity of any patient  
 10-5 whose records are examined in connection with a disciplinary  
 10-6 action, other than a patient who:

- 10-7 (1) initiates the disciplinary action;
- 10-8 (2) is a witness in the disciplinary action; or
- 10-9 (3) has submitted a written consent to release the  
 10-10 records.

10-11 (i) Notices of alleged violation issued by the department  
 10-12 against respondents, disciplinary proceedings of the department,  
 10-13 commission, or executive director, and final disciplinary actions,  
 10-14 including warnings and reprimands, by the department, commission,  
 10-15 or executive director are not confidential and are subject to  
 10-16 disclosure in accordance with Chapter 552, Government Code.

10-17 SECTION 7.005. Section 202.2032(c), Occupations Code, is  
 10-18 amended to read as follows:

10-19 (c) Notwithstanding any confidentiality requirements under  
 10-20 Chapter 552, Government Code, Chapter 51, or this chapter, a  
 10-21 complaint filed with the department by an insurance agent, insurer,  
 10-22 pharmaceutical company, or third-party administrator against a  
 10-23 license holder must include the name and address of the insurance  
 10-24 agent, insurer, pharmaceutical company, or third-party  
 10-25 administrator filing the complaint.

10-26 SECTION 7.006. Section 202.404(e), Occupations Code, is  
 10-27 amended to read as follows:

10-28 (e) The department shall protect the identity of a patient  
 10-29 whose podiatric records are examined or provided under Subsection  
 10-30 (c) [~~or (d)~~], other than a patient who:

- 10-31 (1) is covered under Subsection (a)(1); or
- 10-32 (2) has submitted written consent to the release of  
 10-33 the patient's podiatric records as provided by Section 202.406.

10-34 SECTION 7.007. Section 202.509(g), Occupations Code, is  
 10-35 amended to read as follows:

10-36 (g) The department's disclosure of information under  
 10-37 Subsection [~~(b), (d), or~~] (f) of this section, Section 202.2031, or  
 10-38 Section 202.2032 does not constitute a waiver of privilege or  
 10-39 confidentiality under this chapter or any other law.

10-40 SECTION 7.008. The following provisions of the Occupations  
 10-41 Code are repealed:

- 10-42 (1) Section 202.404(d);
- 10-43 (2) Sections 202.509(a), (b), (c), (d), and (h);
- 10-44 (3) Section 401.2535;
- 10-45 (4) Section 402.154;
- 10-46 (5) Section 451.110;
- 10-47 (6) Section 506.202;
- 10-48 (7) Subchapter E, Chapter 605; and
- 10-49 (8) Subchapter E, Chapter 701.

10-50 SECTION 7.009. The changes in law made by this article apply  
 10-51 to a disciplinary action initiated before the effective date of  
 10-52 this Act that has not resulted in a final order issued on or before  
 10-53 the effective date of this Act and to a disciplinary action  
 10-54 initiated on or after the effective date of this Act.

10-55 ARTICLE 8. PODIATRISTS

10-56 SECTION 8.001. Section 202.2032(d), Occupations Code, is  
 10-57 amended to read as follows:

10-58 (d) ~~The [Not later than the 15th day after the date the~~  
 10-59 ~~complaint is filed with the department, the] department shall~~  
 10-60 ~~notify the license holder who is the subject of the complaint of the~~  
 10-61 ~~name and address of the insurance agent, insurer, pharmaceutical~~  
 10-62 ~~company, or third-party administrator who filed the complaint,~~  
 10-63 ~~unless the notice would jeopardize an investigation.~~

10-64 SECTION 8.002. Subchapter E, Chapter 202, Occupations Code,  
 10-65 is amended by adding Section 202.204 to read as follows:

10-66 Sec. 202.204. EXPERT WITNESS. (a) In this section, "expert  
 10-67 witness" means a podiatrist or other qualified individual with whom  
 10-68 the department contracts to assist the department with reviewing,  
 10-69 investigating, or prosecuting complaints filed under this chapter.

11-1 (b) The department may contract with an expert witness,  
 11-2 including an advisory board member under Section 202.051(a)(1), to  
 11-3 assist the department with reviewing, investigating, or  
 11-4 prosecuting a complaint filed under this chapter.

11-5 (c) Except for an act by an expert witness involving fraud,  
 11-6 conspiracy, or malice, an expert witness is immune from liability  
 11-7 and may not be subject to a suit for damages for any act arising from  
 11-8 the performance of the expert witness's duties in:

11-9 (1) participating in an informal conference to  
 11-10 determine the facts of a complaint;

11-11 (2) evaluating evidence in a complaint and offering an  
 11-12 opinion or technical guidance on an alleged violation of this  
 11-13 chapter or a rule adopted under this chapter;

11-14 (3) testifying at a hearing regarding a complaint; or

11-15 (4) making an evaluation, report, or recommendation  
 11-16 regarding a complaint.

11-17 SECTION 8.003. Section 202.253(a-1), Occupations Code, is  
 11-18 amended to read as follows:

11-19 (a-1) The commission or department may refuse to admit a  
 11-20 person to an examination, and may refuse to issue a license to  
 11-21 practice podiatry to a person, for:

11-22 (1) presenting a license, certificate, or diploma that  
 11-23 was illegally or fraudulently obtained or engaging in fraud or  
 11-24 deception in passing the examination;

11-25 (2) being convicted of [+

11-26 [~~(A) a felony,~~

11-27 [~~(B) a crime that involves moral turpitude, or~~

11-28 [~~(C)~~] an offense under Section 202.606;

11-29 (3) engaging in habits of intemperance or drug  
 11-30 addiction that in the department's opinion would endanger the  
 11-31 health, well-being, or welfare of patients;

11-32 (4) engaging in grossly unprofessional or  
 11-33 dishonorable conduct of a character that in the department's  
 11-34 opinion is likely to deceive or defraud the public;

11-35 (5) directly or indirectly violating or attempting to  
 11-36 violate this chapter or a rule adopted under this chapter as a  
 11-37 principal, accessory, or accomplice;

11-38 (6) using any advertising statement of a character  
 11-39 tending to mislead or deceive the public;

11-40 (7) advertising professional superiority or the  
 11-41 performance of professional service in a superior manner;

11-42 (8) purchasing, selling, bartering, or using or  
 11-43 offering to purchase, sell, barter, or use a podiatry degree,  
 11-44 license, certificate, diploma, or a transcript of a license,  
 11-45 certificate, or diploma, in or incident to an application for a  
 11-46 license to practice podiatry;

11-47 (9) altering, with fraudulent intent, a podiatry  
 11-48 license, certificate, diploma, or a transcript of a podiatry  
 11-49 license, certificate, or diploma;

11-50 (10) using a podiatry license, certificate, or  
 11-51 diploma, or a transcript of a podiatry license, certificate, or  
 11-52 diploma, that has been fraudulently purchased, issued,  
 11-53 counterfeited, or materially altered;

11-54 (11) impersonating, or acting as proxy for, another  
 11-55 person in a podiatry license examination;

11-56 (12) impersonating a license holder, or permitting  
 11-57 another person to use the license holder's license to practice  
 11-58 podiatry in this state, to treat or offer to treat, by any method,  
 11-59 conditions and ailments of human feet;

11-60 (13) directly or indirectly employing a person whose  
 11-61 license to practice podiatry has been suspended or associating in  
 11-62 the practice of podiatry with a person whose license to practice  
 11-63 podiatry has been suspended or who has been convicted of the  
 11-64 unlawful practice of podiatry in this state or elsewhere;

11-65 (14) wilfully making in the application for a license  
 11-66 to practice podiatry a material misrepresentation or material  
 11-67 untrue statement;

11-68 (15) being unable to practice podiatry with reasonable  
 11-69 skill and safety to a patient because of age, illness, drunkenness,

12-1 or excessive use of drugs, narcotics, chemicals, or other  
12-2 substances or as a result of a mental or physical condition;

12-3 (16) failing to practice podiatry in an acceptable  
12-4 manner consistent with public health and welfare;

12-5 (17) being removed, suspended, or disciplined in  
12-6 another manner by the podiatrist's peers in a professional podiatry  
12-7 association or society, whether local, regional, state, or national  
12-8 in scope, or being disciplined by a licensed hospital or the medical  
12-9 staff of a hospital, including removal, suspension, limitation of  
12-10 hospital privileges, or other disciplinary action, if the  
12-11 commission or department determines that the action was:

12-12 (A) based on unprofessional conduct or  
12-13 professional incompetence likely to harm the public; and

12-14 (B) appropriate and reasonably supported by  
12-15 evidence submitted to the association, society, hospital, or  
12-16 medical staff; or

12-17 (18) having repeated or recurring meritorious health  
12-18 care liability claims filed against the podiatrist that in the  
12-19 commission's or department's opinion are evidence of professional  
12-20 incompetence likely to injure the public.

12-21 SECTION 8.004. Subchapter H, Chapter 202, Occupations Code,  
12-22 is amended by adding Section 202.354 to read as follows:

12-23 Sec. 202.354. DELEGATION OF CERTAIN ACTS. (a) A podiatrist  
12-24 may delegate to a qualified and properly trained podiatric medical  
12-25 assistant acting under the podiatrist's supervision any podiatric  
12-26 medical act that a reasonable and prudent podiatrist would find  
12-27 within the scope of sound medical judgment to delegate if:

12-28 (1) in the opinion of the delegating podiatrist, the  
12-29 medical act:

12-30 (A) can be properly and safely performed by the  
12-31 podiatric medical assistant to whom the podiatric medical act is  
12-32 delegated; and

12-33 (B) is performed in a customary manner and not in  
12-34 violation of any other statute; and

12-35 (2) the podiatric medical assistant to whom the  
12-36 podiatric medical act is delegated does not represent to the public  
12-37 that the medical assistant is authorized to practice podiatry.

12-38 (b) A delegating podiatrist is responsible for a podiatric  
12-39 medical act performed by the podiatric medical assistant to whom  
12-40 the podiatrist delegates the act.

12-41 (c) The department may determine whether:

12-42 (1) an act constitutes the practice of podiatric  
12-43 medicine; and

12-44 (2) a podiatric medical act may be properly or safely  
12-45 delegated by podiatrists.

12-46 SECTION 8.005. Section 202.602(a), Occupations Code, is  
12-47 amended to read as follows:

12-48 (a) The department [~~commission by rule~~] shall develop a  
12-49 system to identify and monitor a podiatrist's compliance with this  
12-50 chapter and any [~~. The system must include:~~

12-51 [~~(1) procedures for determining whether a podiatrist~~  
12-52 ~~is in compliance with an] order issued by the commission or~~  
12-53 ~~executive director under this chapter [, and~~

12-54 [~~(2) a method of identifying and monitoring each~~  
12-55 ~~podiatrist who represents a risk to the public].~~

12-56 SECTION 8.006. Subchapter D, Chapter 601, Occupations Code,  
12-57 is amended by adding Section 601.157 to read as follows:

12-58 Sec. 601.157. PERSON SUPERVISED BY PODIATRIST. A person is  
12-59 not required to hold a certificate issued under this chapter to  
12-60 perform a radiologic procedure if:

12-61 (1) the procedure is performed under the supervision  
12-62 of a podiatrist; and

12-63 (2) the person:

12-64 (A) is registered with the Texas Department of  
12-65 Licensing and Regulation to assist a podiatrist; and

12-66 (B) complies with rules adopted under Section  
12-67 601.252(e).

12-68 SECTION 8.007. Section 601.251, Occupations Code, is  
12-69 amended to read as follows:



13-1           Sec. 601.251. APPLICABILITY. This subchapter applies to  
13-2 the:

- 13-3                   (1) Texas Board of Nursing;
- 13-4                   (2) Texas Board of Chiropractic Examiners;
- 13-5                   (3) State Board of Dental Examiners;
- 13-6                   (4) Texas Medical Board;
- 13-7                   (5) Texas Department of Licensing and Regulation, with  
13-8 respect to the department's authority to regulate podiatrists  
13-9 [~~State Board of Podiatric Medical Examiners~~]; and
- 13-10                   (6) Texas Physician Assistant Board.

13-11           SECTION 8.008. Section 601.252, Occupations Code, is  
13-12 amended by adding Subsections (e) and (f) to read as follows:

13-13           (e) Rules adopted under this section by the Texas Commission  
13-14 of Licensing and Regulation must:

13-15                   (1) require an authorized person who performs  
13-16 radiologic procedures under the delegation of a podiatrist, other  
13-17 than a registered nurse, to register with the Texas Department of  
13-18 Licensing and Regulation;

13-19                   (2) establish reasonable and necessary fees to cover  
13-20 the administrative costs incurred by the Texas Department of  
13-21 Licensing and Regulation in administering a registration program  
13-22 created under this subsection;

13-23                   (3) establish grounds for the suspension, revocation,  
13-24 or nonrenewal of a registration issued under this subsection; and

13-25                   (4) establish standards for training and supervising  
13-26 the operators of podiatric equipment, including standards for  
13-27 curricula and instructors.

13-28           (f) In adopting rules under Subsection (e), the Texas  
13-29 Commission of Licensing and Regulation may take into account  
13-30 whether the radiologic procedure will be performed by a registered  
13-31 nurse.

13-32           SECTION 8.009. Sections 202.2025 and 202.6011, Occupations  
13-33 Code, are repealed.

13-34           SECTION 8.010. Section 202.2032, Occupations Code, as  
13-35 amended by this article, applies only to a complaint filed under  
13-36 Chapter 202, Occupations Code, on or after the effective date of  
13-37 this Act. A complaint filed before the effective date of this Act  
13-38 is governed by the law in effect on the date the complaint was  
13-39 filed, and the former law is continued in effect for that purpose.

13-40           SECTION 8.011. Section 202.253(a-1), Occupations Code, as  
13-41 amended by this article, applies only to a conviction that occurs on  
13-42 or after the effective date of this Act. A conviction that occurs  
13-43 before the effective date of this Act is governed by the law in  
13-44 effect on the date the conviction occurred, and the former law is  
13-45 continued in effect for that purpose.

13-46           SECTION 8.012. To the extent of any conflict, Section  
13-47 601.251, Occupations Code, as amended by this article, prevails  
13-48 over another Act of the 86th Legislature, Regular Session, 2019,  
13-49 relating to nonsubstantive additions to and corrections in enacted  
13-50 codes.

13-51                                   ARTICLE 9. MIDWIVES

13-52           SECTION 9.001. Section 203.056, Occupations Code, is  
13-53 amended to read as follows:

13-54           Sec. 203.056. PRESIDING OFFICER. The presiding officer of  
13-55 the commission shall designate a [~~public~~] member of the advisory  
13-56 board to serve as the presiding officer of the advisory board to  
13-57 serve for a term of one year. The presiding officer of the advisory  
13-58 board may vote on any matter before the advisory board.

13-59           SECTION 9.002. Section 203.152, Occupations Code, is  
13-60 repealed.

13-61           SECTION 9.003. Section 203.056, Occupations Code, as  
13-62 amended by this article, does not affect the entitlement of a member  
13-63 of the Midwives Advisory Board who is serving as the presiding  
13-64 officer of the advisory board immediately before the effective date  
13-65 of this Act to continue to serve in that capacity for the remainder  
13-66 of the member's term as presiding officer.

13-67                                   ARTICLE 10. AUDIOLOGISTS

13-68           SECTION 10.001. Section 401.403(b), Occupations Code, is  
13-69 amended to read as follows:

14-1 (b) A person who holds a license ~~[meets the requirements of~~  
14-2 ~~this chapter for licensing]~~ as an audiologist or audiologist intern  
14-3 and who fits and dispenses hearing instruments must:

14-4 (1) ~~[register with the department the person's~~  
14-5 ~~intention to fit and dispense hearing instruments,~~  
14-6 ~~[(2)]~~ comply with rules adopted under this chapter  
14-7 related to fitting and dispensing hearing instruments ~~[the~~  
14-8 ~~profession's code of ethics];~~

14-9 (2) ~~[(3)]~~ comply with the federal Food and Drug  
14-10 Administration guidelines for fitting and dispensing hearing  
14-11 instruments;

14-12 (3) ~~[(4)]~~ when providing services in this state, use a  
14-13 written contract that contains the department's name, mailing  
14-14 address, ~~[and]~~ telephone number, and Internet website address; and

14-15 (4) ~~[(5)]~~ follow the guidelines adopted by commission  
14-16 rule for a 30-day trial period on every hearing instrument  
14-17 purchased.

14-18 ARTICLE 11. ORTHOTIC AND PROSTHETIC TECHNICIANS

14-19 SECTION 11.001. The following provisions of the Occupations  
14-20 Code are repealed:

14-21 (1) Sections 605.002(19), (20), and (21); and

14-22 (2) Section 605.259.

14-23 SECTION 11.002. (a) On the effective date of this Act, a  
14-24 registered orthotic technician or registered prosthetic technician  
14-25 certificate issued under former Section 605.259, Occupations Code,  
14-26 expires.

14-27 (b) As soon as practicable after the effective date of this  
14-28 Act, the Texas Commission of Licensing and Regulation shall repeal  
14-29 all rules regarding the regulation of orthotic and prosthetic  
14-30 technicians adopted under Chapter 605, Occupations Code.

14-31 SECTION 11.003. The change in law made by this article does  
14-32 not affect the validity of a proceeding pending before a court or  
14-33 other governmental entity on the effective date of this Act.

14-34 ARTICLE 12. DIETITIANS

14-35 SECTION 12.001. Section 701.151(b), Occupations Code, is  
14-36 amended to read as follows:

14-37 (b) The commission or the department, as appropriate,  
14-38 shall:

14-39 (1) ~~[adopt an official seal,~~

14-40 ~~[(2)]~~ adopt and publish a code of ethics;

14-41 (2) ~~[(3)]~~ establish the qualifications and fitness of  
14-42 applicants for licenses, including renewed and reciprocal  
14-43 licenses;

14-44 ~~[(4) revoke, suspend, or deny a license, probate a~~  
14-45 ~~license suspension, or reprimand a license holder for a violation~~  
14-46 ~~of this chapter, a rule adopted under this chapter, or the code of~~  
14-47 ~~ethics,]~~ and

14-48 (3) ~~[(5)]~~ request and receive any necessary  
14-49 assistance from state educational institutions or other state  
14-50 agencies.

14-51 SECTION 12.002. Sections 701.155 and 701.353, Occupations  
14-52 Code, are repealed.

14-53 ARTICLE 13. INTERIOR DESIGNERS

14-54 SECTION 13.001. Subchapter H, Chapter 1053, Occupations  
14-55 Code, is repealed.

14-56 SECTION 13.002. The repeal by this article of Subchapter H,  
14-57 Chapter 1053, Occupations Code, does not apply to an offense  
14-58 committed under that subchapter before the effective date of the  
14-59 repeal. An offense committed before the effective date of the  
14-60 repeal is governed by the law as it existed on the date the offense  
14-61 was committed, and the former law is continued in effect for that  
14-62 purpose. For purposes of this section, an offense was committed  
14-63 before the effective date of the repeal if any element of the  
14-64 offense occurred before that date.

14-65 ARTICLE 14. BARBERS AND COSMETOLOGISTS

14-66 SECTION 14.001. Section 1602.254(b), Occupations Code, is  
14-67 amended to read as follows:

14-68 (b) To be eligible for an operator license, an applicant  
14-69 must meet the requirements of Subsection (c) or:

15-1 (1) be at least 17 years of age;  
 15-2 (2) have obtained a high school diploma or the  
 15-3 equivalent of a high school diploma or have passed a valid  
 15-4 examination administered by a certified testing agency that  
 15-5 measures the person's ability to benefit from training; and

15-6 (3) have completed:  
 15-7 (A) 1,000 [~~1,500~~] hours of instruction in a  
 15-8 licensed beauty culture school; or  
 15-9 (B) 1,000 hours of instruction in beauty culture  
 15-10 courses and 500 hours of related high school courses prescribed by  
 15-11 the commission in a vocational cosmetology program in a public  
 15-12 school.

15-13 SECTION 14.002. Section 1602.255(c), Occupations Code, is  
 15-14 amended to read as follows:

15-15 (c) The commission shall adopt rules for the licensing of  
 15-16 specialty instructors to teach specialty courses in the practice of  
 15-17 cosmetology defined in Sections 1602.002(a)(2), (4), (5), (6)  
 15-18 [~~1602.002~~(a)(5)], (7), (8), (9), [~~and~~] (10), and (11).

15-19 SECTION 14.003. Section 1602.261(a), Occupations Code, is  
 15-20 amended to read as follows:

15-21 (a) A person holding a manicurist/esthetician specialty  
 15-22 license may perform only the practice of cosmetology defined in  
 15-23 Sections 1602.002(a)(4) through (10) [~~(9)~~].

15-24 SECTION 14.004. Section 1602.305(a), Occupations Code, is  
 15-25 amended to read as follows:

15-26 (a) A person holding a specialty shop license may maintain  
 15-27 an establishment in which only the practice of cosmetology as  
 15-28 defined in Section 1602.002(a)(2), (4), (5), (6), (7), (8), (9),  
 15-29 [~~or~~] (10), or (11) is performed.

15-30 SECTION 14.005. Section 1602.451(a), Occupations Code, is  
 15-31 amended to read as follows:

15-32 (a) The holder of a private beauty culture school license  
 15-33 shall:

- 15-34 (1) maintain a sanitary establishment;
- 15-35 (2) maintain on duty one licensed instructor for each  
 15-36 25 students in attendance;
- 15-37 (3) maintain a daily record of students' attendance;
- 15-38 (4) establish regular class and instruction hours and  
 15-39 grades;

15-40 (5) require a school term of not less than six [~~nine~~]  
 15-41 months and not less than 1,000 [~~1,500~~] hours instruction for a  
 15-42 complete course in cosmetology;

15-43 (6) require a school term of not less than 600 hours  
 15-44 instruction for a complete course in manicuring;

15-45 (7) hold examinations before issuing diplomas;

15-46 (8) maintain a copy of the school's curriculum in a  
 15-47 conspicuous place and verify that the curriculum is being followed;

15-48 (9) publish in the school's catalogue and enrollment  
 15-49 contract a description of the refund policy required under Section  
 15-50 1602.458; and

15-51 (10) provide the department with information on:

15-52 (A) the current course completion rates of  
 15-53 students who attend a course of instruction offered by the school;  
 15-54 and

15-55 (B) job placement rates and employment rates of  
 15-56 students who complete the course of instruction.

15-57 SECTION 14.006. Section 1603.104, Occupations Code, is  
 15-58 amended by amending Subsection (b) and adding Subsections (c) and  
 15-59 (c-1) to read as follows:

15-60 (b) Except as otherwise provided by this section, at [At]  
 15-61 least once every four [~~two~~] years, the department shall inspect  
 15-62 each shop or other facility that holds a license, certificate, or  
 15-63 permit in which the practice of barbering or cosmetology is  
 15-64 performed under this chapter, Chapter 1601, or Chapter 1602.

15-65 (c) At [~~and at~~] least twice per year, the department shall  
 15-66 inspect each school in which barbering or cosmetology is taught  
 15-67 under this chapter, Chapter 1601, or Chapter 1602.

15-68 (c-1) At least once every two years, the department shall  
 15-69 inspect each specialty shop that holds a license, certificate, or



16-1 permit issued under this chapter, Chapter 1601, or Chapter 1602 and  
 16-2 at which the practices described by Section 1601.002(1)(E) or (F)  
 16-3 or 1602.002(a)(8) or (9) are performed.

16-4 SECTION 14.007. Section 1603.255, Occupations Code, is  
 16-5 amended to read as follows:

16-6 Sec. 1603.255. EARLY EXAMINATION. The department may allow  
 16-7 for the early written examination of a student who has completed the  
 16-8 following number of hours of instruction in a department-approved  
 16-9 training program:

16-10 (1) 1,000 hours for a student seeking a Class A barber  
 16-11 certificate [~~or operator license~~] in a private barber [~~or~~  
 16-12 cosmetology] school; [~~or~~]

16-13 (2) 900 hours for a student seeking an operator  
 16-14 license in a private cosmetology school; or

16-15 (3) 900 hours for a student seeking a Class A barber  
 16-16 certificate or operator license in a publicly funded barber or  
 16-17 cosmetology school.

16-18 SECTION 14.008. Section 1603.256(c), Occupations Code, is  
 16-19 amended to read as follows:

16-20 (c) The following persons may administer a practical  
 16-21 examination required under this subchapter:

16-22 (1) the department; [~~or~~]

16-23 (2) a person with whom the department contracts under  
 16-24 Section 1603.252;

16-25 (3) a barber school, private beauty culture school, or  
 16-26 public secondary or postsecondary beauty culture school that is  
 16-27 approved by the department to administer the examination under  
 16-28 Section 1603.252; or

16-29 (4) the Windham School District.

16-30 SECTION 14.009. As soon as practicable after the effective  
 16-31 date of this Act, the Texas Commission of Licensing and Regulation  
 16-32 shall adopt rules implementing Chapters 1602 and 1603, Occupations  
 16-33 Code, as amended by this article.

16-34 SECTION 14.010. The change in law made by this article to  
 16-35 Section 1602.254(b), Occupations Code, applies only to an  
 16-36 application for an operator license submitted on or after September  
 16-37 1, 2020. An application for an operator license submitted before  
 16-38 that date is governed by the law in effect immediately before the  
 16-39 effective date of this Act, and the former law is continued in  
 16-40 effect for that purpose.

16-41 SECTION 14.011. The changes in law made by this article to  
 16-42 Section 1603.255, Occupations Code, apply only to a person who  
 16-43 applies to take an early examination for a barbering or cosmetology  
 16-44 license on or after the effective date of this Act. A person who  
 16-45 applies to take an early examination before the effective date of  
 16-46 this Act is governed by the law in effect on the date the person  
 16-47 applies, and the former law is continued in effect for that purpose.

16-48 ARTICLE 15. USED AUTOMOTIVE PARTS RECYCLERS

16-49 SECTION 15.001. Section 2309.102(a), Occupations Code, is  
 16-50 amended to read as follows:

16-51 (a) The commission shall adopt rules for licensing used  
 16-52 automotive parts recyclers [~~and used automotive parts employees~~].

16-53 SECTION 15.002. The heading to Section 2309.106,  
 16-54 Occupations Code, is amended to read as follows:

16-55 Sec. 2309.106. PERIODIC [~~AND RISK-BASED~~] INSPECTIONS.

16-56 SECTION 15.003. Section 2309.106(a), Occupations Code, is  
 16-57 amended to read as follows:

16-58 (a) The department shall inspect each used automotive parts  
 16-59 recycling facility at least once every four [~~two~~] years.

16-60 SECTION 15.004. The following provisions of the Occupations  
 16-61 Code are repealed:

16-62 (1) Sections 2309.106(c) and (d); and

16-63 (2) Section 2309.154.

16-64 SECTION 15.005. (a) On the effective date of this Act, a  
 16-65 used automotive parts employee license issued under former Section  
 16-66 2309.154, Occupations Code, expires.

16-67 (b) As soon as practicable after the effective date of this  
 16-68 Act, the Texas Commission of Licensing and Regulation shall repeal  
 16-69 all rules regarding the regulation of used automotive parts



17-1 employees adopted under Chapter 2309, Occupations Code.  
17-2 SECTION 15.006. (a) The change in law made by this article  
17-3 to Chapter 2309, Occupations Code, does not affect the validity of a  
17-4 proceeding pending before a court or other governmental entity on  
17-5 the effective date of this Act.

17-6 (b) An offense or other violation of law committed before  
17-7 the effective date of this Act is governed by the law in effect when  
17-8 the offense or violation was committed, and the former law is  
17-9 continued in effect for that purpose. For purposes of this  
17-10 subsection, an offense or violation was committed before the  
17-11 effective date of this Act if any element of the offense or  
17-12 violation occurred before that date.

17-13 ARTICLE 16. IMPLEMENTATION; EFFECTIVE DATE

17-14 SECTION 16.001. The Texas Commission of Licensing and  
17-15 Regulation and the Texas Department of Licensing and Regulation are  
17-16 required to implement a provision of this Act only if the  
17-17 legislature appropriates money specifically for that purpose. If  
17-18 the legislature does not appropriate money specifically for that  
17-19 purpose, the commission and the department may, but are not  
17-20 required to, implement a provision of this Act using other  
17-21 appropriations available for that purpose.

17-22 SECTION 16.002. This Act takes effect September 1, 2019.

17-23

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