

By: Krause

H.B. No. 2662

A BILL TO BE ENTITLED

AN ACT

relating to the elimination of certain regulations waived during the coronavirus disease (COVID-19) pandemic.

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

ARTICLE 1. ALCOHOLIC BEVERAGE CODE

SECTION 1.01. Chapter 1, Alcoholic Beverage Code, is amended by adding Section 1.021 to read as follows:

Sec. 1.021. CONSTRUCTION OF CODE: DELIVERY OF CERTAIN MERCHANDISE. Notwithstanding any other law, a provision of this code may not be construed to prohibit the delivery of food and other merchandise to a grocery store using a vehicle owned or operated by a person holding a permit or license under this code.

SECTION 1.02. Section 6.04(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Notwithstanding any other provision of this code, for ~~[the holder of]~~ a license or permit issued under this code that expires after March 1, 2020, the holder of the license or permit may renew the license or permit rather than reapply for an original license or permit if, anytime ~~[not later than the 30th day]~~ after the date of the expiration of the license or permit, the holder files a renewal application and the required license or permit fee with the commission ~~[and pays a late fee]~~ as provided by rules of the commission. The commission may not charge a late fee for a renewal application filed in accordance with this subsection.

1 SECTION 1.03. The heading to Section 28.1001, Alcoholic
2 Beverage Code, is amended to read as follows:

3 Sec. 28.1001. PICKUP AND [OFF-PREMISES] DELIVERY OF
4 ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.

5 SECTION 1.04. Section 28.1001, Alcoholic Beverage Code, is
6 amended by amending Subsections (a), (c), and (d) and adding
7 Subsections (a-1), (a-2), and (e) to read as follows:

8 (a) In this section:

9 (1) "Passenger area of a motor vehicle" has the
10 meaning assigned by Section 49.031, Penal Code.

11 (2) "Tamper-proof container" means a closed cup or
12 similar container that is sealed with tape and placed into a bag
13 that has been sealed with a zip tie.

14 (a-1) Notwithstanding any other provision of this code, the
15 holder of a mixed beverage permit may deliver, or have delivered by
16 a third party, including an independent contractor acting under
17 Chapter 57, an alcoholic beverage from the permitted premises to an
18 ultimate consumer located off-premises and in an area where the
19 sale of the beverage is legal if:

20 (1) ~~[the holder of the mixed beverage permit holds a~~
21 ~~food and beverage certificate for the permitted premises,~~

22 ~~[(2) the delivery of the alcoholic beverage is made as~~
23 ~~part of the delivery of food prepared at the permitted premises,~~

24 ~~[(3)]~~ the alcoholic beverage is:

25 (A) a malt beverage ~~[beer, ale,]~~ or wine
26 delivered in an original container sealed by the manufacturer; or

27 (B) an alcoholic beverage other than a malt

1 beverage [~~beer, ale,~~] or wine that:

2 (i) is[~~r~~] delivered in an original,
3 single-serving container sealed by the manufacturer and not larger
4 than 375 milliliters; or

5 (ii) the permit holder mixes with other
6 beverages and stores in a tamper-proof container that is clearly
7 labeled with the permit holder's business name and the words
8 "alcoholic beverage"; and

9 (2) [~~4~~] the delivery is not made to another [~~a~~]
10 premises that is permitted or licensed under this code.

11 (a-2) Notwithstanding any other provision of this code, the
12 holder of a mixed beverage permit may allow an ultimate consumer to
13 pick up an alcoholic beverage described by Subsection (a-1)(1) and
14 remove the beverage from the permitted premises.

15 (c) An alcoholic beverage picked up or [~~may be~~] delivered
16 under this section may be provided only to a person who is 21 years
17 of age or older after the person picking up the alcoholic beverage
18 or accepting the delivery presents valid proof of identity and age
19 and:

20 (1) the person picking up the alcoholic beverage or
21 accepting the delivery personally signs a receipt, which may be
22 electronic, acknowledging the pickup or delivery; or

23 (2) the person providing the beverage for pickup or
24 making the delivery acknowledges the completion of the pickup or
25 delivery through a software application.

26 (d) This section does not authorize the holder of a brewpub
27 license who also holds a wine and malt beverage [~~beer~~] retailer's

1 permit to deliver alcoholic beverages directly to ultimate
2 consumers for off-premise consumption at a location other than the
3 licensed premises.

4 (e) A person who picks up or delivers an alcoholic beverage
5 described by Subsection (a-1)(1)(B)(ii) may not transport the
6 alcoholic beverage in the passenger area of a motor vehicle.

7 ARTICLE 2. EDUCATION CODE

8 SECTION 2.01. Section 18.006(b), Education Code, is amended
9 to read as follows:

10 (b) In addition to other factors determined to be
11 appropriate by the commissioner, the accountability system must
12 include consideration of:

13 (1) student performance on the ~~[end-of-course]~~
14 assessment instruments administered under ~~[required by]~~ Section
15 39.023(c); and

16 (2) dropout rates, including dropout rates and diploma
17 program completion rates for the grade levels served by the diploma
18 program.

19 SECTION 2.02. Section 25.005(b), Education Code, is amended
20 to read as follows:

21 (b) A reciprocity agreement must:

22 (1) address procedures for:

23 (A) transferring student records;

24 (B) awarding credit for completed course work;

25 and

26 (C) permitting a student to satisfy the
27 requirements of Section 39.025 through successful performance on

1 comparable ~~[end-of-course or other exit-level]~~ assessment
2 instruments administered in another state; and

3 (2) include appropriate criteria developed by the
4 agency.

5 SECTION 2.03. Section 28.014(a), Education Code, is amended
6 to read as follows:

7 (a) Each school district shall partner with at least one
8 institution of higher education to develop and provide courses in
9 college preparatory mathematics and English language arts. The
10 courses must be designed:

11 (1) for students at the 12th grade level whose
12 performance on:

13 (A) an ~~[end-of-course]~~ assessment instrument
14 administered ~~[required]~~ under Section 39.023(c) does not meet
15 college readiness standards; or

16 (B) coursework, a college entrance examination,
17 or an assessment instrument designated under Section 51.334
18 indicates that the student is not ready to perform entry-level
19 college coursework; and

20 (2) to prepare students for success in entry-level
21 college courses.

22 SECTION 2.04. Section 28.0211(o), Education Code, is
23 amended to read as follows:

24 (o) This section does not require the administration of
25 a fifth ~~[or eighth]~~ grade assessment instrument in a subject under
26 Section 39.023(a) to a student enrolled in the fifth ~~[or eighth]~~
27 grade ~~[, as applicable,]~~ if the student ~~[+~~

1 ~~[(1)]~~ is enrolled in a course in the subject intended
2 for students above the student's grade level and will be
3 administered an assessment instrument adopted or developed under
4 Section 39.023(a) that aligns with the curriculum for the course in
5 which the student is enrolled~~[, or~~

6 ~~[(2) is enrolled in a course in the subject for which~~
7 ~~the student will receive high school academic credit and will be~~
8 ~~administered an end-of-course assessment instrument adopted under~~
9 ~~Section 39.023(c) for the course].~~

10 SECTION 2.05. Section 28.023(c), Education Code, is amended
11 to read as follows:

12 (c) A school district shall give a student in grade level
13 six or above credit for a subject on the basis of an examination for
14 credit in the subject approved by the board of trustees under
15 Subsection (a) if the student scores in the 80th percentile or above
16 on the examination or if the student achieves a score as provided by
17 Subsection (c-1). If a student is given credit in a subject on the
18 basis of an examination, the district shall enter the examination
19 score on the student's transcript ~~[and the student is not required~~
20 ~~to take an end-of-course assessment instrument adopted under~~
21 ~~Section 39.023(c) for that subject].~~

22 SECTION 2.06. Sections 28.025(b-4) and (c-8), Education
23 Code, are amended to read as follows:

24 (b-4) A school district may offer the curriculum described
25 in Subsections (b-1)(1) through (4) in an applied manner. Courses
26 delivered in an applied manner must cover the essential knowledge
27 and skills~~[, and the student shall be administered the applicable~~

1 ~~end-of-course assessment instrument as provided by Sections~~
2 ~~39.023(c) and 39.025~~].

3 (c-8) For purposes of Subsection (c-7), the admission,
4 review, and dismissal committee of a student in a special education
5 program under Subchapter A, Chapter 29, shall determine whether the
6 student is required to achieve satisfactory performance on an
7 ~~[end-of-course]~~ assessment instrument administered under Section
8 39.023(c) to earn an endorsement on the student's transcript.

9 SECTION 2.07. Section 28.0255, Education Code, is amended
10 by amending Subsections (g) and (h) and adding Subsection (g-1) to
11 read as follows:

12 (g) A student entering the ninth grade for the first time
13 beginning with the 2021-2022 school year is entitled to a high
14 school diploma if the student:

15 (1) successfully complies with the curriculum
16 requirements specified under Subsection (e); and

17 (2) performs satisfactorily, as determined by the
18 commissioner under Subsection (h), on each ~~[end-of-course]~~
19 assessment instrument selected ~~[instruments listed]~~ under Section
20 39.023(c) by the school district ~~[for courses]~~ in which the student
21 is ~~[was]~~ enrolled.

22 (g-1) A student other than a student described by Subsection
23 (g) is entitled to a high school diploma if the student:

24 (1) successfully complies with the curriculum
25 requirements specified under Subsection (e); and

26 (2) performs satisfactorily, as determined by the
27 commissioner under Subsection (h), on:

1 (A) each assessment instrument selected under
2 Section 39.023(c) by the school district in which the student is
3 enrolled; or

4 (B) assessment instruments listed under Section
5 39.023(c), as that section existed before amendment by .B. _____,
6 Acts of the 87th Legislature, Regular Session, 2021, for courses in
7 which the student was enrolled.

8 (h) For purposes of Subsections [~~Subsection~~] (g)(2) and
9 (g-1)(2), the commissioner shall determine the level of
10 satisfactory performance on applicable [~~end-of-course~~] assessment
11 instruments administered to a student.

12 SECTION 2.08. Section 28.0258, Education Code, is amended
13 by amending Subsections (a), (b), (f), (h), (j), and (k) and adding
14 Subsections (m) and (n) to read as follows:

15 (a) This section applies only to an 11th or 12th grade
16 student who has failed to comply with the [~~end-of-course~~]
17 assessment instrument performance requirements under Section
18 39.025 for not more than two subjects identified under Section
19 39.023(c) [courses].

20 (b) For each student to whom this section applies, the
21 school district that the student attends shall establish an
22 individual graduation committee at the end of or after the
23 student's 11th grade year to determine whether the student may
24 qualify to graduate as provided by this section. A student may not
25 qualify to graduate under this section before the student's 12th
26 grade year. The committee shall be composed of:

- 27 (1) the principal or principal's designee;

1 (2) for each subject identified under Section
2 39.023(c) for [~~end-of-course assessment instrument on~~] which the
3 student failed to perform satisfactorily on the appropriate
4 corresponding required assessment instrument, a [~~the~~] teacher of
5 the student in that subject, designated by the principal [~~course~~];

6 (3) the department chair or lead teacher supervising
7 the teacher described by Subdivision (2); and

8 (4) as applicable:

9 (A) the student's parent or person standing in
10 parental relation to the student;

11 (B) a designated advocate described by
12 Subsection (c) if the person described by Paragraph (A) is unable to
13 serve; or

14 (C) the student, at the student's option, if the
15 student is at least 18 years of age or is an emancipated minor.

16 (f) Notwithstanding any other law, a student's individual
17 graduation committee established under this section shall
18 recommend additional requirements by which the student may qualify
19 to graduate, including:

20 (1) additional remediation; and

21 (2) for each [~~end-of-course~~] assessment instrument
22 required under Section 39.023(c) on which the student failed to
23 perform satisfactorily:

24 (A) the completion of a project related to the
25 subject area [~~of the course~~] that demonstrates proficiency in the
26 subject area; or

27 (B) the preparation of a portfolio of work

1 samples in the subject area [~~of the course~~], including work samples
2 [~~from the course~~] that demonstrate proficiency in the subject area.

3 (h) In determining whether a student for whom an individual
4 graduation committee is established is qualified to graduate, the
5 committee shall consider:

6 (1) the recommendation of the student's teacher in
7 each course of the subject for which the student failed to perform
8 satisfactorily on an [~~end-of-course~~] assessment instrument;

9 (2) the student's grade in each course of the subject
10 for which the student failed to perform satisfactorily on an
11 [~~end-of-course~~] assessment instrument;

12 (3) the student's score on each [~~end-of-course~~]
13 assessment instrument required under Section 39.023(c) on which the
14 student failed to perform satisfactorily;

15 (4) the student's performance on any additional
16 requirements recommended by the committee under Subsection (f);

17 (5) the number of hours of remediation that the
18 student has attended, including[+]

19 [~~(A) attendance in a college preparatory course~~
20 ~~required under Section 39.025(b-2), if applicable, or~~

21 [~~(B)~~] attendance in and successful completion of
22 a transitional college course in reading or mathematics;

23 (6) the student's school attendance rate;

24 (7) the student's satisfaction of any of the Texas
25 Success Initiative (TSI) college readiness benchmarks prescribed
26 by the Texas Higher Education Coordinating Board;

27 (8) the student's successful completion of a dual

1 credit course in English, mathematics, science, or social studies;

2 (9) the student's successful completion of a high
3 school pre-advanced placement, advanced placement, or
4 international baccalaureate program course in English,
5 mathematics, science, or social studies;

6 (10) the student's rating of advanced high on the most
7 recent high school administration of the Texas English Language
8 Proficiency Assessment System;

9 (11) the student's score of 50 or greater on a
10 College-Level Examination Program examination;

11 (12) the student's score on:

12 (A) the ACT or ~~and~~ the SAT, if not otherwise
13 considered under Subdivision (3); or

14 (B) the Armed Services Vocational Aptitude
15 Battery test;

16 (13) the student's completion of a sequence of courses
17 under a career and technical education program required to attain
18 an industry-recognized credential or certificate;

19 (14) the student's overall preparedness for
20 postsecondary success; and

21 (15) any other academic information designated for
22 consideration by the board of trustees of the school district.

23 (j) Notwithstanding any action taken by an individual
24 graduation committee under this section, a school district shall
25 administer an ~~[end-of-course]~~ assessment instrument required under
26 Section 39.023(c) to any student who fails to perform
27 satisfactorily on an ~~[end-of-course]~~ assessment instrument

1 required under Section 39.023(c) as provided by Section 39.025(b).
2 For purposes of Section 39.053(c)(1), an assessment instrument
3 administered as provided by this subsection is considered an
4 assessment instrument required for graduation retaken by a student.

5 (k) The commissioner shall adopt rules as necessary to
6 administer ~~[implement]~~ this section ~~[not later than the 2015-2016~~
7 ~~school year]~~.

8 (m) For a student subject to Section 39.025(f-3)(1):

9 (1) for purposes of Subsection (a), this section
10 applies only to an 11th or 12th grade student who has failed to
11 comply with the end-of-course assessment instrument performance
12 requirements under Section 39.025, as that section existed before
13 amendment by __.B. __, Acts of the 87th Legislature, Regular
14 Session, 2021, for not more than two courses listed in Section
15 39.023(c), as that section existed before amendment by __.B. __,
16 Acts of the 87th Legislature, Regular Session, 2021;

17 (2) for purposes of the composition of an individual
18 graduation committee under Subsection (b)(2), the committee shall
19 include the teacher of the course for each end-of-course assessment
20 instrument described by Subdivision (1) for which the student
21 failed to perform satisfactorily;

22 (3) for purposes of Subsection (h)(1), an individual
23 graduation committee shall consider the recommendation of the
24 teacher described by Subdivision (2); and

25 (4) for purposes of Subsection (h)(2), an individual
26 graduation committee shall consider the student's grade in each
27 course described by Subdivision (2).

1 (n) Subsection (m) and this subsection expire September 1,
2 2025.

3 SECTION 2.09. Sections 29.081(b) and (b-1), Education Code,
4 are amended to read as follows:

5 (b) Each district shall provide accelerated instruction to
6 a student enrolled in the district who has taken an ~~[end-of-course]~~
7 assessment instrument administered under Section 39.023(c) and has
8 not performed satisfactorily on the assessment instrument or who is
9 at risk of dropping out of school.

10 (b-1) Each school district shall offer before the next
11 scheduled administration of the assessment instrument, without
12 cost to the student, additional accelerated instruction to each
13 student in any subject in which the student failed to perform
14 satisfactorily on an ~~[end-of-course]~~ assessment instrument
15 required for graduation.

16 SECTION 2.10. Section 29.087(f), Education Code, is amended
17 to read as follows:

18 (f) A student participating in a program authorized by this
19 section, other than a student ordered to participate under
20 Subsection (d)(1), must have taken any ~~[the]~~ appropriate
21 ~~[end-of-course]~~ assessment instrument ~~[instruments]~~ specified by
22 Section 39.023(c) that is administered before the student enters
23 ~~[entering]~~ the program and must take any ~~[each]~~ appropriate
24 ~~[end-of-course]~~ assessment instrument that is administered during
25 the period in which the student is enrolled in the program. Except
26 for a student ordered to participate under Subsection (d)(1), a
27 student participating in the program may not take the high school

1 equivalency examination unless the student has taken the assessment
2 instruments required by this subsection.

3 SECTION 2.11. Section 29.402(b), Education Code, is amended
4 to read as follows:

5 (b) A person who is under 26 years of age is eligible to
6 enroll in a dropout recovery program under this subchapter if the
7 person:

8 (1) must complete not more than three course credits
9 to complete the curriculum requirements for the foundation high
10 school program for high school graduation; or

11 (2) has failed to perform satisfactorily on, as
12 applicable:

13 (A) an ~~[end-of-course]~~ assessment instrument
14 administered under Section 39.023(c);

15 (B) an assessment instrument administered under
16 Section 39.023(c) as that section existed before amendment by .B.
17 __, Acts of the 87th Legislature, Regular Session, 2021; or

18 (C) an assessment instrument administered under
19 Section 39.023(c) as that section existed before amendment by
20 Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular
21 Session, 2007.

22 SECTION 2.12. Section 39.023(a), Education Code, as
23 effective until September 1, 2021, is amended to read as follows:

24 (a) The agency shall adopt or develop appropriate
25 criterion-referenced assessment instruments designed to assess
26 essential knowledge and skills in reading, ~~[writing,~~ mathematics,
27 ~~[social studies,~~ and science. Except as provided by Subsection

1 (a-2), all students, other than students assessed under Subsection
2 (b) or (1) or exempted under Section 39.027, shall be assessed in:

3 (1) mathematics, annually in grades three through
4 eight;

5 (2) reading, annually in grades three through eight;
6 and

7 [~~writing, including spelling and grammar, in~~
8 ~~grades four and seven;~~

9 [~~(4) social studies, in grade eight;~~

10 [~~(5)] science, in grades five and eight[, and~~

11 [~~(6) any other subject and grade required by federal~~
12 ~~law].~~

13 SECTION 2.13. Section 39.023(a), Education Code, as
14 effective September 1, 2021, is amended to read as follows:

15 (a) The agency shall adopt or develop appropriate
16 criterion-referenced assessment instruments designed to assess
17 essential knowledge and skills in reading, mathematics, [~~social~~
18 ~~studies,~~] and science. Except as provided by Subsection (a-2), all
19 students, other than students assessed under Subsection (b) or (1)
20 or exempted under Section 39.027, shall be assessed in:

21 (1) mathematics, annually in grades three through
22 eight;

23 (2) reading, annually in grades three through eight;
24 and

25 [~~social studies, in grade eight;~~

26 [~~(4)] science, in grades five and eight[, and~~

27 [~~(5) any other subject and grade required by federal~~

1 law].

2 SECTION 2.14. Section 39.023, Education Code, is amended by
3 amending Subsections (a-2), (b-1), (c), (c-3), (c-5), (c-8), (e),
4 (g), (h), (i), and (p) and adding Subsections (h-1) and (q) to read
5 as follows:

6 (a-2) Except as required by federal law, a student is not
7 required to be assessed in a subject otherwise assessed at the
8 student's grade level under Subsection (a) if the student[+]

9 [~~(1)~~] is enrolled in a course in the subject intended
10 for students above the student's grade level and will be
11 administered an assessment instrument adopted or developed under
12 Subsection (a) that aligns with the curriculum for the course in
13 which the student is enrolled[~~, or~~

14 [~~(2) is enrolled in a course in the subject for which~~
15 ~~the student will receive high school academic credit and will be~~
16 ~~administered an end-of-course assessment instrument adopted under~~
17 ~~Subsection (c) for the course].~~

18 (b-1) The agency, in conjunction with appropriate
19 interested persons, shall redevelop assessment instruments adopted
20 or developed under Subsection (b) for administration to
21 significantly cognitively disabled students in a manner consistent
22 with federal law. An assessment instrument under this subsection
23 may not require a teacher to prepare tasks or materials for a
24 student who will be administered such an assessment instrument. [~~A~~
25 ~~classroom portfolio method used to assess writing performance may~~
26 ~~require a teacher to prepare tasks and materials.]~~

27 (c) The agency shall also provide for [~~adopt end-of-course~~]

1 assessment instruments for each federally required secondary-level
2 subject, including English language arts, mathematics, and
3 science. The commissioner shall identify a procedure for a school
4 district to select the Texas Success Initiative (TSI) diagnostic
5 assessment or the SAT, the ACT, the PSAT, or the ACT-Plan or any
6 other nationally recognized, norm-referenced secondary-level
7 assessment instrument designated by the commissioner for the
8 assessment of students under this subsection. Each school district
9 shall select one or more assessment instruments for purposes of
10 this subsection. A school district that selects more than one
11 assessment instrument must uniformly administer to students in the
12 district the same assessment instrument to satisfy the requirement
13 for the same subject [~~courses in Algebra I, biology, English I,~~
14 ~~English II, and United States history. The Algebra I end-of-course~~
15 ~~assessment instrument must be administered with the aid of~~
16 ~~technology, but may include one or more parts that prohibit the use~~
17 ~~of technology~~]. An [~~The English I and English II end-of-course~~]
18 assessment instrument designated under this section [~~instruments~~]
19 must [~~each~~] assess essential knowledge and skills in the
20 appropriate subject [~~both reading and writing and must provide a~~
21 ~~single score~~]. A school district shall comply with State Board of
22 Education rules regarding administration of the assessment
23 instruments under [~~listed in~~] this subsection. If a student is in a
24 special education program under Subchapter **A**, Chapter **29**, the
25 student's admission, review, and dismissal committee shall
26 determine whether any allowable modification is necessary in
27 administering to the student an assessment instrument required

1 under this subsection. [~~The State Board of Education shall~~
2 ~~administer the assessment instruments. An end-of-course assessment~~
3 ~~instrument may be administered in multiple parts over more than one~~
4 ~~day. The State Board of Education shall adopt a schedule for the~~
5 ~~administration of end-of-course assessment instruments that~~
6 ~~complies with the requirements of Subsection (c-3).]~~

7 (c-3) In [~~Except as provided by Subsection (c-7), in~~
8 adopting a schedule for the administration of assessment
9 instruments under this section, the State Board of Education shall
10 ensure that assessment instruments administered under Subsection
11 (a) or (c) are not administered on the first instructional day of a
12 week.

13 (c-5) A student's performance on an [~~end-of-course~~
14 assessment instrument administered [~~required~~] under Subsection (c)
15 must be included in the student's academic achievement record.

16 (c-8) Beginning with the 2022-2023 school year, an
17 assessment instrument developed under Subsection (a) [~~or (c)~~] may
18 not present more than 75 percent of the questions in a multiple
19 choice format.

20 (e) Under rules adopted by the State Board of Education,
21 every third year, the agency shall release the questions and answer
22 keys to each assessment instrument administered under Subsection
23 (a), (b), [~~(c), (d)~~] or (l), excluding any assessment instrument
24 administered to a student for the purpose of retaking the
25 assessment instrument, after the last time the instrument is
26 administered for that school year. To ensure a valid bank of
27 questions for use each year, the agency is not required to release a

1 question that is being field-tested and was not used to compute the
2 student's score on the instrument. The agency shall also release,
3 under board rule, each question that is no longer being
4 field-tested and that was not used to compute a student's score.
5 ~~[During the 2014-2015 and 2015-2016 school years, the agency shall~~
6 ~~release the questions and answer keys to assessment instruments as~~
7 ~~described by this subsection each year.]~~

8 (g) An ~~[The State Board of Education may adopt one~~
9 ~~appropriate, nationally recognized, norm-referenced]~~ assessment
10 instrument administered under Subsection (c) ~~[in reading and~~
11 ~~mathematics to be administered to a selected sample of students in~~
12 ~~the spring. If adopted, a norm-referenced assessment instrument]~~
13 must be a secured test. The commissioner shall contract with a
14 vendor to administer the assessment instrument, complete the
15 scoring of the assessment instrument, and distribute within a
16 reasonable period the results to the agency and the relevant
17 results to each school district. As soon as practicable after the
18 district receives the results from the vendor under this
19 subsection, the district shall:

20 (1) distribute the relevant results to each district
21 campus; and

22 (2) provide written notice to the student and the
23 person standing in parental relation to the student that states the
24 student's results and whether the student performed satisfactorily
25 on the assessment instrument ~~[The state may pay the costs of~~
26 ~~purchasing and scoring the adopted assessment instrument and of~~
27 ~~distributing the results of the adopted instrument to the school~~

1 ~~districts. A district that administers the norm-referenced test~~
2 ~~adopted under this subsection shall report the results to the~~
3 ~~agency in a manner prescribed by the commissioner].~~

4 (h) Except as provided by Subsection (g), the [The] agency
5 shall notify school districts and campuses of the results of
6 assessment instruments administered under this section not later
7 than the 21st day after the date the assessment instrument is
8 administered.

9 (h-1) A [The] school district shall disclose to each
10 district teacher the results of assessment instruments
11 administered to students taught by the teacher in the subject for
12 the school year in which the assessment instrument is administered.

13 (i) The provisions of this section~~[, except Subsection~~
14 ~~(d),]~~ are subject to modification by rules adopted under Section
15 39.022. Each assessment instrument adopted or designated under
16 those rules ~~[and each assessment instrument required under~~
17 ~~Subsection (d)]~~ must be reliable and valid and must meet any
18 applicable federal requirements for measurement of student
19 progress.

20 (p) On or before September 1 of each year, the commissioner
21 shall make the following information available on the agency's
22 Internet website for each assessment instrument administered under
23 Subsection (a)~~[, (c),]~~ or (1) and for the Texas Success Initiative
24 (TSI) diagnostic assessment:

25 (1) the number of questions on the assessment
26 instrument;

27 (2) the number of questions that must be answered

1 correctly to achieve satisfactory performance as determined by the
2 commissioner under Section 39.0241(a);

3 (3) the number of questions that must be answered
4 correctly to achieve satisfactory performance under the college
5 readiness performance standard as provided by Section 39.0241; and

6 (4) the corresponding scale scores.

7 (g) Notwithstanding any provision of this section or other
8 law, if changes made to the Every Student Succeeds Act (20 U.S.C.
9 Section 6301 et seq.) reduce the number or frequency of assessment
10 instruments required to be administered to students, the State
11 Board of Education shall adopt rules reducing the number or
12 frequency of assessment instruments administered to students under
13 state law, and the commissioner shall ensure that students are not
14 assessed in subject areas or in grades that are no longer required
15 to meet the minimum requirements of that Act.

16 SECTION 2.15. The heading to Section 39.0232, Education
17 Code, is amended to read as follows:

18 Sec. 39.0232. USE OF [~~END-OF-COURSE~~] ASSESSMENT INSTRUMENT
19 AS PLACEMENT INSTRUMENT; CERTAIN USES PROHIBITED.

20 SECTION 2.16. Sections 39.0232(a), (b), and (c), Education
21 Code, are amended to read as follows:

22 (a) To the extent practicable, the agency shall ensure that
23 any high school [~~end-of-course~~] assessment instrument designated
24 under Section 39.023(c) [developed by the agency is developed in
25 such a manner that the assessment instrument] may be used to
26 determine the appropriate placement of a student in a course of the
27 same subject matter at an institution of higher education.

1 (b) A student's performance on an ~~[end-of-course]~~
2 assessment instrument administered under Section 39.023(c) may not
3 be used:

4 (1) in determining the student's class ranking for any
5 purpose, including entitlement to automatic college admission
6 under Section 51.803 or 51.804; or

7 (2) as a sole criterion in the determination of
8 whether to admit the student to a general academic teaching
9 institution in this state.

10 (c) Subsection (b)(2) does not prohibit a general academic
11 teaching institution from implementing an admission policy that
12 takes into consideration a student's performance on an
13 ~~[end-of-course]~~ assessment instrument administered under Section
14 39.023(c) in addition to other criteria.

15 SECTION 2.17. Section 39.0234, Education Code, is amended
16 to read as follows:

17 Sec. 39.0234. ELECTRONIC ADMINISTRATION OF ASSESSMENT
18 INSTRUMENTS. (a) Except as provided by Subsection (b), the [The]
19 agency shall ensure that assessment instruments required under
20 Section 39.023 are capable of being administered electronically.

21 (b) Subsection (a) does not apply to a nationally
22 recognized, norm-referenced assessment instrument under Section
23 39.023(c).

24 SECTION 2.18. Section 39.0241, Education Code, is amended
25 by amending Subsection (a-1) and adding Subsection (a-2) to read as
26 follows:

27 (a-1) The commissioner of education, in collaboration with

1 the commissioner of higher education, shall determine the level of
2 performance necessary to indicate college readiness[~~, as defined by~~
3 ~~Section 39.024(a)~~].

4 (a-2) In this section, "college readiness" means the level
5 of preparation a student must attain in English language arts and
6 mathematics courses to enroll and succeed, without remediation, in
7 an entry-level general education course for credit in that same
8 content area for a baccalaureate degree or associate degree program
9 at:

10 (1) a general academic teaching institution, as
11 defined by Section 61.003, other than a research institution, as
12 categorized under the Texas Higher Education Coordinating Board's
13 accountability system; or

14 (2) a postsecondary educational institution that
15 primarily offers associate degrees or certificates or credentials
16 other than baccalaureate or advanced degrees.

17 SECTION 2.19. Section 39.025, Education Code, is amended by
18 amending Subsections (a), (a-4), (b), and (b-1) and adding
19 Subsection (f-3) to read as follows:

20 (a) The commissioner shall adopt rules requiring a student
21 in the foundation high school program under Section 28.025 to be
22 administered each [~~an end-of-course~~] assessment instrument
23 selected under [~~listed in~~] Section 39.023(c) by the school district
24 [~~only for a course~~] in which the student is enrolled [~~and for which~~
25 ~~an end-of-course assessment instrument is administered~~]. A student
26 is required to achieve a scale score that indicates satisfactory
27 performance, as determined by the commissioner under Section

1 39.0241(a), on each ~~[end-of-course]~~ assessment instrument
2 administered to the student. For each scale score required under
3 this subsection that is not based on a 100-point scale scoring
4 system, the commissioner shall provide for conversion, in
5 accordance with commissioner rule, of the scale score to an
6 equivalent score based on a 100-point scale scoring system. A
7 student may not receive a high school diploma until the student has
8 performed satisfactorily on each ~~[end-of-course]~~ assessment
9 instrument ~~[instruments]~~ in the manner provided under this
10 subsection. This subsection does not require a student to
11 demonstrate readiness to enroll in an institution of higher
12 education.

13 (a-4) The admission, review, and dismissal committee of a
14 student in a special education program under Subchapter A, Chapter
15 29, shall determine whether, to receive a high school diploma, the
16 student is required to achieve satisfactory performance on
17 ~~[end-of-course]~~ assessment instruments administered under Section
18 39.023(c).

19 (b) Each time an ~~[end-of-course]~~ assessment instrument
20 ~~[adopted]~~ under Section 39.023(c) is administered, a student who
21 failed to achieve a score requirement under Subsection (a) may
22 retake the assessment instrument. ~~[A student is not required to~~
23 ~~retake a course as a condition of retaking an end-of-course~~
24 ~~assessment instrument.]~~

25 (b-1) A school district shall provide each student who fails
26 to perform satisfactorily as determined by the commissioner under
27 Section 39.0241(a) on an ~~[end-of-course]~~ assessment instrument

1 administered under Section 39.023(c) with accelerated instruction
2 [in the subject assessed by the assessment instrument].

3 (f-3) The commissioner shall by rule adopt a transition plan
4 to implement the amendments made by __.B. ____, Acts of the 87th
5 Legislature, Regular Session, 2021, replacing end-of-course
6 assessment instruments with one or more assessment instruments
7 selected by a school district under Section 39.023(c). The rules
8 must provide for each assessment instrument selected by a school
9 district under Section 39.023(c) to be administered beginning with
10 students enrolled in the ninth grade for the first time during the
11 2021-2022 school year. During the period under which the
12 transition from end-of-course assessment instruments is made:

13 (1) for students entering a grade above the ninth
14 grade during the 2021-2022 school year or students repeating ninth
15 grade during the 2021-2022 school year, the commissioner shall
16 retain, administer, and use for purposes of accreditation and other
17 campus and district accountability measures under this chapter the
18 end-of-course assessment instruments required by Section
19 39.023(c), as that section existed before amendment by __.B. ____,
20 Acts of the 87th Legislature, Regular Session, 2021; and

21 (2) a student subject to Subdivision (1) may not
22 receive a high school diploma unless the student has performed
23 satisfactorily on:

24 (A) each required end-of-course assessment
25 instrument administered under Section 39.023(c), as that section
26 existed before amendment by __.B. ____, Acts of the 87th
27 Legislature, Regular Session, 2021; or

1 (B) each assessment instrument selected under
2 Section 39.023(c) by the district in which the student is enrolled.

3 SECTION 2.20. Section 39.034(d), Education Code, is amended
4 to read as follows:

5 (d) The agency shall determine the necessary annual
6 improvement required each year for a student to be prepared to
7 perform satisfactorily on, as applicable:

8 (1) the grade five assessment instruments;

9 (2) the grade eight assessment instruments; and

10 (3) the [~~end-of-course~~] assessment instruments
11 required under this subchapter for graduation.

12 SECTION 2.21. Section 39.035(a), Education Code, is amended
13 to read as follows:

14 (a) Subject to Subsection (b), the agency may conduct field
15 testing of questions for any assessment instrument administered
16 under Section 39.023(a), (b), [~~(c), (d),~~] or (l) that is separate
17 from the administration of the assessment instrument not more
18 frequently than every other school year.

19 SECTION 2.22. Section 39.203(c), Education Code, is amended
20 to read as follows:

21 (c) In addition to the distinction designations described
22 by Subsections (a) and (b), a campus that satisfies the criteria
23 developed under Section 39.204 shall be awarded a distinction
24 designation by the commissioner for outstanding performance in
25 academic achievement in English language arts, mathematics, or
26 science[~~, or social studies~~].

27 SECTION 2.23. Section 51.338(c), Education Code, is amended

1 to read as follows:

2 (c) A student who has achieved scores set by the board on the
3 questions developed for end-of-course assessment instruments under
4 Section 39.0233(a), as that section existed before repeal by
5 .B. _____, Acts of the 87th Legislature, Regular Session, 2021, is
6 exempt from the requirements of this subchapter. The exemption is
7 effective for the three-year period following the date a student
8 takes the last assessment instrument for purposes of this
9 subchapter and achieves the standard set by the board. This
10 subsection does not apply during any period for which the board
11 designates the questions developed for end-of-course assessment
12 instruments under Section 39.0233(a), as that section existed
13 before repeal by .B. _____, Acts of the 87th Legislature, Regular
14 Session, 2021, as the primary assessment instrument under this
15 subchapter, except that the three-year period described by this
16 subsection remains in effect for students who qualify for an
17 exemption under this subsection before that period.

18 SECTION 2.24. Section 61.06641(i), Education Code, is
19 amended to read as follows:

20 (i) Notwithstanding Chapter 551, Government Code, or any
21 other law, the advisory council may meet by telephone conference
22 call, videoconference, or other similar telecommunication method.
23 A meeting held by telephone conference call, videoconference, or
24 other similar telecommunication method is subject to the
25 requirements of Sections 551.125(c), (d), (f), and (g)
26 [~~551.125(c)-(f)~~], Government Code.

27 SECTION 2.25. The following provisions of the Education

1 Code are repealed:

2 (1) Sections 39.023(a-15), (c-2), (c-4), (c-6), and
3 (d);

4 (2) Section 39.023(c-7), as added by Chapter 1282
5 (H.B. 1244), Acts of the 86th Legislature, Regular Session, 2019;

6 (3) Section 39.023(c-7), as added by Chapter 1315
7 (H.B. 3906), Acts of the 86th Legislature, Regular Session, 2019;

8 (4) Section 39.0233;

9 (5) Section 39.024;

10 (6) Sections 39.025(a-1), (a-2), (a-3), (a-5), and
11 (e-1);

12 (7) Section 39.053(d-1); and

13 (8) Section 39.203(d).

14 SECTION 2.26. As soon as practicable after the effective
15 date of this Act, each school district shall provide notice to an
16 eighth grade student under Section 39.025(g), Education Code,
17 informing the student of the specific requirements applicable to
18 the student under Sections 39.023(c) and 39.025(a), Education Code,
19 as amended by this Act.

20 SECTION 2.27. A change in law made by this Act to a
21 provision of Title 2, Education Code, applies beginning with the
22 2021-2022 school year.

23 ARTICLE 3. ESTATES CODE

24 SECTION 3.01. Subtitle F, Title 2, Estates Code, is amended
25 by adding Chapter 259 to read as follows:

26 CHAPTER 259. ELECTRONIC WILLS

27 Sec. 259.001. SHORT TITLE. This chapter may be cited as the

1 Electronic Wills Act.

2 Sec. 259.002. DEFINITIONS. In this chapter:

3 (1) "Electronic" means relating to technology having
4 electrical, digital, magnetic, wireless, optical, electromagnetic,
5 or similar capabilities.

6 (2) "Electronic notarial certificate" has the meaning
7 assigned by Section 406.101, Government Code.

8 (3) "Electronic will" means a will executed in
9 compliance with Section 259.005.

10 (4) "Online notary public" has the meaning assigned by
11 Section 406.101, Government Code.

12 (5) "Record" means information that is inscribed on a
13 tangible medium or that is stored in an electronic or other medium
14 and is retrievable in perceivable form.

15 (6) "Sign" means, with present intent to authenticate
16 or adopt a record:

17 (A) to execute or adopt a tangible symbol; or

18 (B) to affix to or logically associate with the
19 record an electronic symbol, sound, or process.

20 Sec. 259.0025. ELECTRONIC PRESENCE. For purposes of this
21 chapter, two individuals are in each other's "electronic presence"
22 if the individuals are in different physical locations but able to
23 communicate simultaneously by sight and sound, with accommodation
24 for a testator or witness who has limited ability in sight or
25 hearing.

26 Sec. 259.003. COMMON LAW AND PRINCIPLES OF EQUITY. The
27 common law and principles of equity supplement this chapter except

1 to the extent modified by this chapter or state law other than this
2 chapter.

3 Sec. 259.004. WHO MAY MAKE AN ELECTRONIC WILL. An
4 individual who may make a will under the law of this state other
5 than this chapter may make an electronic will.

6 Sec. 259.005. EXECUTION OF ELECTRONIC WILL. (a) An
7 electronic will must be in a record perceivable as text that is:

8 (1) signed, with the intent that the record be the
9 testator's electronic will, by:

10 (A) the testator; or

11 (B) another individual in the testator's name, in
12 the testator's conscious physical or electronic presence, and at
13 the testator's direction; and

14 (2) signed by at least two credible individuals who
15 are at least 14 years of age, each of whom signed in the physical or
16 electronic presence of the testator.

17 (b) Intent of a testator that a record be the testator's
18 electronic will may be established by extrinsic evidence.

19 Sec. 259.006. ELECTRONIC WILL MADE SELF-PROVING IF ALL
20 WITNESSES PHYSICALLY PRESENT. (a) An electronic will with all
21 attesting witnesses physically present in the same location as the
22 testator may be made self-proving by acknowledgment of the testator
23 and affidavits of the witnesses.

24 (b) An acknowledgment and the affidavits under Subsection
25 (a) must be:

26 (1) made before an officer authorized to administer
27 oaths under law of the state in which execution occurs, who is

1 physically present in the same location as the testator and
2 attesting witnesses; and

3 (2) evidenced by the officer's certificate under
4 official seal logically associated with the electronic will.

5 (c) The acknowledgment and affidavits under Subsection (a)
6 must be in substantially the following form:

7 Before me, the undersigned authority, on this day personally
8 appeared _____, _____, and _____, known to
9 me to be the testator and witnesses, respectively, who signed their
10 names to this record in their respective capacities, and all of said
11 persons being by me duly sworn, the said _____, testator,
12 declared to me and to the said witnesses in my presence that this
13 record is [his/her] electronic will, and that [he/she] had
14 willingly made and executed it as [his/her] free act and deed; and
15 the said witnesses, each on [his/her] oath stated to me, in the
16 physical presence and hearing of the said testator, that the said
17 testator had declared to them that this record is [his/her]
18 electronic will, and that [he/she] executed same as such and wanted
19 each of them to sign it as a witness; and upon their oaths each
20 witness stated further that they did sign the same as witnesses in
21 the presence of the said testator and at [his/her] request; that
22 [he/she] was at that time eighteen years of age or over (or being
23 under such age, was or had been lawfully married, or was then a
24 member of the armed forces of the United States, or an auxiliary of
25 the armed forces of the United States, or the United States Maritime
26 Service) and was of sound mind; and that each of said witnesses was
27 then at least fourteen years of age.

1 _____

2 Testator

3 _____

4 Witness

5 _____

6 Witness

7 Subscribed and sworn to before me by the said _____,

8 testator, and by the said _____ and _____,

9 witnesses, this _____ day of _____, 20____.

10 (SEAL)

11 (Signed) _____

12 (Official Capacity of Officer)

13 Sec. 259.007. ELECTRONIC WILL MADE SELF-PROVING WHERE ALL

14 WITNESSES NOT PHYSICALLY PRESENT. (a) In this section,

15 "authorized person" means:

16 (1) an individual licensed to practice law in the

17 United States; or

18 (2) a court clerk.

19 (b) An electronic will without all attesting witnesses

20 physically present in the same location as the testator may be made

21 self-proving by:

22 (1) acknowledgment of the testator and affidavits of

23 the witnesses:

24 (A) made before an online notary public; and

25 (B) evidenced by the online notary public's

26 electronic notarial certificate; or

27 (2) an authorized person's certification in writing

1 under Subsection (e) that:

2 (A) the person is an authorized person;

3 (B) the testator declared that the record is the
4 testator's electronic will and that the testator understands the
5 will's contents;

6 (C) the testator signed the electronic will in
7 the electronic or physical presence of each individual who signed
8 the record as a witness;

9 (D) the authorized person is satisfied as to the
10 identity of the testator and the witnesses; and

11 (E) to the best of the authorized person's
12 knowledge the testator:

13 (i) was, at the time of the signing of the
14 electronic will, 18 years of age or older or, being under such age,
15 was or had been lawfully married or was then a member of the armed
16 forces of the United States, or an auxiliary of the armed forces of
17 the United States, or the United States Maritime Service;

18 (ii) was of sound mind; and

19 (iii) willingly made and executed the
20 electronic will as the testator's free act and deed.

21 (c) An heir of the testator or a beneficiary under an
22 electronic will may not act as an authorized person under this
23 section.

24 (d) An authorized person under this section submits to the
25 jurisdiction of the court in the county in which the testator
26 executes the electronic will.

27 (e) A certification made under Subsection (b)(2) must be in

1 substantially the following form:

2 I, _____, an authorized person, certify
3 that on this _____ day of _____, 20____, at _____,
4 _____ (city, state), the testator declared the attached
5 record to be the electronic will of the testator and declared that
6 the testator understands the contents of the electronic will. I
7 further certify that the testator, in the electronic or physical
8 presence of each individual who signed the electronic will as a
9 witness, signed the electronic will. I further certify that I am
10 satisfied as to the identity of the testator and the witnesses and
11 that to the best of my knowledge the testator was, at the time of the
12 signing of the electronic will, eighteen years of age or over or,
13 being under such age, was or had been lawfully married or was then a
14 member of the armed forces of the United States, or an auxiliary of
15 the armed forces of the United States, or the United States Maritime
16 Service, was of sound mind, and willingly made and executed the
17 electronic will as the testator's free act and deed.

18 _____
19 (Signed)

20 Sec. 259.008. ELECTRONIC WILL MADE SELF-PROVING AFTER
21 EXECUTION. (a) An electronic will with all attesting witnesses
22 physically present in the same location as the testator may be made
23 self-proving at any time after its execution by the acknowledgment
24 of the testator and the affidavits of the witnesses.

25 (b) An acknowledgment and affidavits under Subsection (a)
26 must be:

27 (1) made before an officer authorized to administer

1 oaths under the law of the state in which the acknowledgment occurs;
2 and

3 (2) evidenced by the officer's certificate under
4 official seal, logically associated with the electronic will, in
5 substantially the following form:

6 I, _____, the testator, and we,
7 _____ and _____, witnesses,
8 whose names are signed to the attached or preceding electronic
9 will, being sworn, declare to the undersigned officer that the
10 testator signed the record as the testator's electronic will, the
11 testator willingly made and executed it as the testator's free act
12 and deed, each of the witnesses, in the physical presence and
13 hearing of the testator, signed the electronic will as witnesses to
14 the testator's signing, to the best of each witness's knowledge the
15 testator was at that time eighteen years of age or over (or being
16 under such age, was or had been lawfully married, or was then a
17 member of the armed forces of the United States, or an auxiliary of
18 the armed forces of the United States, or the United States Maritime
19 Service) and was of sound mind, and each of the witnesses was then
20 at least fourteen years of age.

21 _____
22 Testator

23 _____
24 Witness

25 _____
26 Witness

27 State of _____

1 County of _____
2 Subscribed and sworn to before me by the said _____,
3 testator, and by the said _____ and _____,
4 witnesses, this _____ day of _____, 20_____.

5 (SEAL)
6 (Signed) _____
7 (Official Capacity of Officer)

8 Sec. 259.009. PROOF OF ELECTRONIC WILL. A signature
9 physically or electronically affixed to an affidavit attached to an
10 electronic will under this chapter is considered a signature
11 affixed to the electronic will if necessary to prove the will's
12 execution.

13 Sec. 259.010. CHOICE OF LAW AS TO EXECUTION. An electronic
14 will is validly executed if executed in compliance with the law of
15 the place where:

- 16 (1) the testator is physically located at the time of
17 execution; or
- 18 (2) at the time of execution or at the time of death,
19 the testator is domiciled, resides, or is a citizen.

20 Sec. 259.011. REVOCATION. (a) An electronic will or part
21 of an electronic will is revoked by:

- 22 (1) a subsequent will, including an electronic will,
23 that revokes the previous will or part of the previous will
24 expressly or by inconsistency; or
- 25 (2) a revocatory act, if it is established by clear and
26 convincing evidence that:
 - 27 (A) the testator performed the act with the

1 intent and for the purpose of revoking the will or part of the will;
2 or

3 (B) another individual performed the act in the
4 testator's physical or electronic presence and by the testator's
5 direction.

6 (b) An electronic will may revoke a will that is not an
7 electronic will.

8 Sec. 259.012. UNIFORMITY OF APPLICATION AND CONSTRUCTION.
9 In applying and construing this chapter, consideration must be
10 given to the need to promote uniformity of the law with respect to
11 its subject matter among states that enact it.

12 Sec. 259.013. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL
13 AND NATIONAL COMMERCE ACT. This chapter modifies, limits, or
14 supersedes the Electronic Signatures in Global and National
15 Commerce Act (15 U.S.C. Section 7001 et seq.) but does not modify,
16 limit, or supersede Section 101(c) of that Act (15 U.S.C. Section
17 7001(c)) or authorize electronic delivery of any of the notices
18 described in Section 103(b) of that Act (15 U.S.C. Section
19 7003(b)).

20 SECTION 3.02. Section 305.054, Estates Code, is amended to
21 read as follows:

22 Sec. 305.054. ADMINISTRATION OF OATH. An oath may be taken
23 before any person authorized to administer oaths under the laws of
24 this state, including an online notary public using two-way video
25 and audio conference technology as provided by Subchapter C,
26 Chapter 406, Government Code.

27 SECTION 3.03. Subchapter A, Chapter 751, Estates Code, is

1 amended by adding Section 751.00221 to read as follows:

2 Sec. 751.00221. ELECTRONIC SIGNATURE; ONLINE NOTARIZATION.

3 (a) An adult principal may sign a durable power of attorney or a
4 revocation of a durable power of attorney using an electronic
5 signature that:

6 (1) is capable of verification;

7 (2) is under the sole control of the principal using
8 it;

9 (3) is linked to data in a manner that invalidates the
10 electronic signature if the data is changed; and

11 (4) persists with the instrument and not by
12 association in separate files.

13 (b) A durable power of attorney in which the principal signs
14 the instrument using an electronic signature that complies with the
15 requirements of this section may be acknowledged before an online
16 notary public using two-way video and audio conference technology
17 as provided by Subchapter C, Chapter 406, Government Code.

18 SECTION 3.04. Section 1105.052, Estates Code, is amended to
19 read as follows:

20 Sec. 1105.052. ADMINISTRATION OF OATH. An oath may be taken
21 before any person authorized to administer oaths under the laws of
22 this state, including an online notary public using two-way video
23 and audio conference technology as provided by Subchapter C,
24 Chapter 406, Government Code.

25 SECTION 3.05. Chapter 259, Estates Code, as added by this
26 Act, applies to the will of a decedent whose death occurs on or
27 after the effective date of this Act.

ARTICLE 4. GOVERNMENT CODE

SECTION 4.01. Section 551.125, Government Code, is amended to read as follows:

Sec. 551.125. MEETING FROM REMOTE LOCATIONS BY TELEPHONE CONFERENCE CALL [~~OTHER GOVERNMENTAL BODY~~]. (a) Except as otherwise provided by this subchapter, this chapter does not prohibit a governmental body from holding an open or closed meeting from one or more remote locations by telephone conference call.

(b) A meeting held by telephone conference call may be held only if:

(1) [~~an emergency or public necessity exists within the meaning of Section 551.045 of this chapter, and~~

~~(2)~~ the convening at one location of a quorum of the governmental body is difficult or impossible; or

(2) [~~(3)~~] the meeting is held by an advisory board.

(c) The telephone conference call meeting is subject to the notice requirements applicable to other meetings except as otherwise provided by Subsection (d).

(d) The notice of the telephone conference call meeting must:

(1) include the statement "Telephone conference call under Section 551.125, Government Code" in lieu of the place of the meeting;

(2) list each physical location where members of the public may listen to or participate in the meeting, including:

(A) any location that is open to the public where a member of the governmental body intends to participate in the

1 meeting; and

2 (B) any facility provided by the governmental
3 body for members of the public to listen to the meeting or provide
4 testimony;

5 (3) include access information for an audio feed of
6 the meeting; and

7 (4) if applicable, include instructions for members of
8 the public to provide testimony to the governmental body [~~specify~~
9 ~~as the location of the meeting the location where meetings of the~~
10 ~~governmental body are usually held~~].

11 (e) Any method of access that is provided to the public for
12 listening to or participating in the telephone conference call
13 meeting must be widely available at no cost to the public,
14 including:

15 (1) a toll-free telephone number; or

16 (2) a free, widely available computer application that
17 can be installed on:

18 (A) a mobile telephone;

19 (B) a computer;

20 (C) an Internet-connected television; or

21 (D) a similar, widely available electronic
22 device.

23 (f) [(e)] Each part of the telephone conference call
24 meeting that is required to be open to the public shall be audible
25 to the public using the access information described by Subsection
26 (d) [~~at the location specified in the notice of the meeting as the~~
27 ~~location of the meeting~~] and shall be recorded. The recording shall

1 be made available to the public.

2 (g) [~~(f)~~] The [~~location designated in the notice as the~~
3 ~~location of the meeting shall provide two-way communication during~~
4 ~~the entire telephone conference call meeting and the~~]
5 identification of each party to the telephone conference shall be
6 clearly stated prior to speaking.

7 (h) If the governmental body prepares an agenda packet that
8 would have been distributed to members of the public at a
9 face-to-face meeting, the governmental body shall make the packet
10 available electronically so that members of the public listening
11 remotely can follow along with the meeting.

12 SECTION 4.02. Section 551.127, Government Code, is amended
13 to read as follows:

14 Sec. 551.127. MEETING FROM REMOTE LOCATIONS BY
15 VIDEOCONFERENCE CALL. (a) Except as otherwise provided by this
16 section, this chapter does not prohibit a governmental body from
17 holding an open or closed meeting from one or more remote locations
18 by videoconference call.

19 (b) [~~(a-1)~~] A member or employee of a governmental body may
20 participate remotely in a meeting of the governmental body by means
21 of a videoconference call if the [~~video and~~] audio feed and, if
22 applicable, video feed of the member's or employee's
23 participation[~~, as applicable, is broadcast live at the meeting~~
24 ~~and~~] complies with the provisions of this section.

25 (c) [~~(a-2)~~] A member of a governmental body who
26 participates in a meeting as provided by Subsection (b) [~~(a-1)~~]
27 shall be counted as present at the meeting for all purposes.

1 (d) [~~(a-3)~~] A member of a governmental body who
2 participates in a meeting by videoconference call shall be
3 considered absent from any portion of the meeting during which
4 audio [~~or video~~] communication with the member is lost or
5 disconnected. The governmental body may continue the meeting only
6 if members in a number sufficient to constitute a quorum of the body
7 remain audible and visible to each other and, during the open
8 portion of the meeting, to the public [~~remains present at the~~
9 ~~meeting location or, if applicable, continues to participate in a~~
10 ~~meeting conducted under Subsection (c)] .~~

11 [~~(b) A meeting may be held by videoconference call only if a~~
12 ~~quorum of the governmental body is physically present at one~~
13 ~~location of the meeting, except as provided by Subsection (c).~~

14 [~~(c) A meeting of a state governmental body or a~~
15 ~~governmental body that extends into three or more counties may be~~
16 ~~held by videoconference call only if the member of the governmental~~
17 ~~body presiding over the meeting is physically present at one~~
18 ~~location of the meeting that is open to the public during the open~~
19 ~~portions of the meeting.]~~

20 (e) [~~(d)~~] A meeting held by videoconference call is subject
21 to the notice requirements applicable to other meetings except as
22 otherwise provided by Subsection (f) [~~in addition to the notice~~
23 ~~requirements prescribed by this section]~~ .

24 (f) [~~(e)~~] The notice of a meeting to be held by
25 videoconference call must:

26 (1) include the statement "Videoconference call under
27 Section 551.127, Government Code" in lieu of the place of the

1 meeting;

2 (2) list each physical location where members of the
3 public may observe or participate in the meeting, including:

4 (A) any location that is open to the public where
5 a member of the governmental body intends to participate in the
6 meeting; and

7 (B) any facility provided by the governmental
8 body for members of the public to observe the meeting or provide
9 testimony;

10 (3) include access information for both audio-only and
11 audiovisual feeds of the meeting; and

12 (4) if applicable, include instructions for members of
13 the public to provide testimony to the governmental body [~~specify~~
14 ~~as a location of the meeting the location where a quorum of the~~
15 ~~governmental body will be physically present and specify the intent~~
16 ~~to have a quorum present at that location, except that the notice of~~
17 ~~a meeting to be held by videoconference call under Subsection (c)~~
18 ~~must specify as a location of the meeting the location where the~~
19 ~~member of the governmental body presiding over the meeting will be~~
20 ~~physically present and specify the intent to have the member of the~~
21 ~~governmental body presiding over the meeting present at that~~
22 ~~location. The location where the member of the governmental body~~
23 ~~presiding over the meeting is physically present shall be open to~~
24 ~~the public during the open portions of the meeting].~~

25 (g) Any method of access that is provided to the public for
26 the purpose of observing or participating in a meeting held under
27 this section must be widely available at no cost to the public,

1 including:

2 (1) a toll-free telephone number; or

3 (2) a free, widely available computer application that
4 can be installed on:

5 (A) a mobile telephone;

6 (B) a computer;

7 (C) an Internet-connected television; or

8 (D) a similar, widely available electronic
9 device.

10 (h) [(f)] Each portion of a meeting held by videoconference
11 call that is required to be open to the public shall be [~~visible~~
12 ~~and~~] audible and, if applicable, visible to the public using the
13 access information described by Subsection (f) [at the location
14 ~~specified under Subsection (e)].~~ If a problem occurs that causes a
15 meeting to no longer be [~~visible and~~] audible to the public [~~at that~~
16 ~~location~~], the meeting must be recessed until the problem is
17 resolved. If the problem is not resolved in six hours or less, the
18 meeting must be adjourned.

19 (i) [(g)] The governmental body shall make at least an audio
20 recording of the meeting. The recording shall be made available to
21 the public.

22 (j) [(h) The location specified under Subsection (e), and
23 each remote location from which a member of the governmental body
24 participates, shall have two-way audio and video communication with
25 each other location during the entire meeting.] The face of each
26 participant in the videoconference call who is participating in the
27 call using video communication, while that participant is speaking,

1 shall be clearly visible, and the voice audible, to each other
2 participant and, during the open portion of the meeting, to the
3 members of the public, including [~~in attendance at the physical~~
4 ~~location described by Subsection (e) and~~] at any [~~other~~] location
5 described by Subsection (f)(2) [~~of the meeting that is open to the~~
6 ~~public~~].

7 (k) A participant in the videoconference call using solely
8 audio communication:

9 (1) shall, while the participant is speaking, be
10 clearly audible to each other participant and, during the open
11 portion of the meeting, to the members of the public, including at
12 any location described by Subsection (f)(2); and

13 (2) must be clearly identified before speaking.

14 (l) [(i)] The Department of Information Resources by rule
15 shall specify minimum technical quality standards for [~~audio and~~
16 ~~video signals at~~] a meeting held by videoconference call. [~~The~~
17 ~~quality of the audio and video signals perceptible at each location~~
18 ~~of the meeting must meet or exceed those standards.~~]

19 (m) [(j)] The audio and video signals perceptible by
20 members of the public using the access information described under
21 Subsection (f) [~~at each location of the meeting described by~~
22 ~~Subsection (h)~~] must be of sufficient quality so that members of the
23 public [~~at each location~~] can observe the demeanor or [~~and~~] hear the
24 voice, as applicable, of each participant in the open portion of the
25 meeting.

26 (n) [(k)] Without regard to whether a member of the
27 governmental body is participating in a meeting from a remote

1 location by videoconference call, a governmental body may allow a
2 member of the public to testify at a meeting from a remote location
3 by videoconference call.

4 (o) A governmental body that is holding a meeting by
5 videoconference call where public testimony is taken shall allow a
6 member of the public to testify from a remote location using video
7 or audio communication.

8 (p) If the governmental body prepares an agenda packet that
9 would have been distributed to members of the public at a
10 face-to-face meeting, the governmental body shall make the packet
11 available electronically so that members of the public observing
12 remotely can follow along with the meeting.

13 SECTION 4.03. Section 551.131(d), Government Code, is
14 amended to read as follows:

15 (d) A meeting held by telephone conference call must
16 otherwise comply with the procedures under Sections 551.125(c),
17 (d), ~~[(e), and]~~ (f), and (g).

18 ARTICLE 5. HEALTH AND SAFETY CODE

19 SECTION 5.01. Section 81.406(b), Health and Safety Code, is
20 amended to read as follows:

21 (b) The task force may meet telephonically in accordance
22 with Section 551.125 [~~551.125(b)(3)~~], Government Code.

23 SECTION 5.02. Section 117.056(b), Health and Safety Code,
24 is amended to read as follows:

25 (b) To ensure appropriate representation from all areas of
26 this state, the committee may meet by videoconference or telephone
27 conference call. A meeting held by videoconference or telephone

1 conference call under this subsection must comply with the
2 requirements applicable to a telephone conference call under
3 Sections 551.125(c), (d), [~~(e), and~~] (f), and (g), Government Code.
4 Sections 551.125(b) and 551.127, Government Code, do not apply to
5 the committee.

6 SECTION 5.03. Section 166.011, Health and Safety Code, is
7 amended by adding Subsection (d) to read as follows:

8 (d) Notwithstanding any conflicting provision of this
9 chapter, an advance directive in which the declarant, witnesses,
10 and notary public each sign the directive or a written revocation of
11 the directive using an electronic signature that complies with the
12 requirements of this section may be acknowledged before an online
13 notary public using two-way video and audio conference technology
14 as provided by Subchapter C, Chapter 406, Government Code.

15 SECTION 5.04. Section 251.011, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 251.011. LICENSE REQUIRED. Except as provided by
18 Sections [~~Section~~] 251.012 and 251.0125, a person may not operate
19 an end stage renal disease facility without a license issued under
20 this chapter.

21 SECTION 5.05. Subchapter B, Chapter 251, Health and Safety
22 Code, is amended by adding Section 251.0125 to read as follows:

23 Sec. 251.0125. ADDITIONAL EXEMPTIONS FROM LICENSING
24 REQUIREMENT FOR CERTAIN OFF-SITE FACILITIES. An end stage renal
25 disease facility licensed under this chapter may operate and
26 provide outpatient end stage renal disease services to a patient at
27 an off-site facility without obtaining a separate license for the

1 off-site facility if the off-site facility is:

2 (1) a mobile medical unit;

3 (2) a physician's office;

4 (3) an end stage renal disease facility that was
5 licensed under this chapter and closed within the 36 months
6 preceding the operation of or provision of services to a patient at
7 the off-site facility;

8 (4) an ambulatory surgical center that was licensed
9 under Chapter 243 and closed within the 36 months preceding the
10 operation of or provision of services to a patient at the off-site
11 facility; or

12 (5) a freestanding emergency medical care facility
13 that was licensed under Chapter 254 and closed within the 36 months
14 preceding the operation of or provision of services to a patient at
15 the off-site facility.

16 SECTION 5.06. Chapter 437, Health and Safety Code, is
17 amended by adding Section 437.026 to read as follows:

18 Sec. 437.026. SALE OF CERTAIN FOOD BY FOOD SERVICE
19 ESTABLISHMENT. (a) Except as provided by Subsection (b), a food
20 service establishment that holds a permit under this chapter may
21 sell directly to an individual consumer food, other than prepared
22 food, that:

23 (1) is in its original condition or original packaging
24 as received by the establishment;

25 (2) is labeled, which may include a handwritten label,
26 with the name and source of the food and the date the food is sold;

27 (3) for meat or poultry, bears an official mark of

1 inspection from the department or the United States Department of
2 Agriculture;

3 (4) for a meat product or poultry product, is obtained
4 from a source that is appropriately inspected and bears an official
5 mark of inspection described by Subdivision (3);

6 (5) for a time and temperature control for safety food
7 as defined by Section 437.0196, does not exceed the shelf life
8 displayed on the food's packaging; and

9 (6) for food requiring refrigeration other than
10 produce, is:

11 (A) maintained at or below 41 degrees Fahrenheit
12 until the establishment sells or donates the food; and

13 (B) protected from contamination.

14 (b) A food service establishment described by Subsection
15 (a) may not sell directly to an individual consumer food that is:

16 (1) in a package exhibiting damage or that is not
17 labeled with the manufacturer's original labeling; or

18 (2) distressed because the food:

19 (A) has been subjected to fire, flooding,
20 excessive heat, smoke, radiation, or another environmental
21 contamination;

22 (B) is not held at the correct temperature for
23 the food type; or

24 (C) is stored for a prolonged period.

25 SECTION 5.07. Section 773.050, Health and Safety Code, is
26 amended by adding Subsection (e-1) to read as follows:

27 (e-1) In adopting minimum standards under Subsection (e),

1 the executive commissioner shall, during a state of disaster
2 declared under Chapter 418, Government Code, provide to a first
3 responder organization a grace period of not more than 30 days from
4 the date the organization's license expires for submission of
5 application materials and other information necessary to renew the
6 license.

7 SECTION 5.08. Subchapter C, Chapter 773, Health and Safety
8 Code, is amended by adding Sections 773.0552 and 773.0553 to read as
9 follows:

10 Sec. 773.0552. PROVISION OF EMERGENCY MEDICAL SERVICES BY
11 CERTAIN QUALIFIED PERSONS DURING DECLARED DISASTER. A medical
12 director of an emergency medical services system may, during a
13 state of disaster declared under Chapter 418, Government Code,
14 authorize an individual who is not certified as any type of
15 emergency medical services personnel but is otherwise qualified to
16 provide emergency medical services to provide those services to
17 patients treated or transported by an emergency medical services
18 provider for the system.

19 Sec. 773.0553. TEMPORARY WAIVER OF SKILLS PROFICIENCY
20 TESTING REQUIREMENTS FOR CERTAIN EMERGENCY MEDICAL SERVICES
21 PERSONNEL. (a) The executive commissioner by rule shall authorize
22 emergency medical services personnel and out-of-state advanced
23 emergency medical technicians seeking reciprocity in this state to
24 temporarily waive skills proficiency testing requirements if the
25 personnel or technicians are unable to satisfy the testing
26 requirements for a reason determined appropriate by the executive
27 commissioner, including due to a state of disaster declared under

1 Chapter 418, Government Code.

2 (b) Emergency medical services personnel and out-of-state
3 advanced emergency medical technicians who waive skills
4 proficiency testing requirements under Subsection (a) must satisfy
5 those testing requirements not later than six months from the date
6 the testing requirements are waived.

7 SECTION 5.09. As soon as practicable after the effective
8 date of this Act, the executive commissioner of the Health and Human
9 Services Commission shall adopt rules to implement Section 437.026,
10 Health and Safety Code, as added by this Act.

11 SECTION 5.10. Section 437.026, Health and Safety Code, as
12 added by this Act, applies only to the sale of food by a food service
13 establishment that occurs on or after the effective date of this
14 Act. The sale of food by a food service establishment that occurs
15 before the effective date of this Act is governed by the law in
16 effect on the date the sale occurred, and the former law is
17 continued in effect for that purpose.

18 ARTICLE 6. OCCUPATIONS CODE

19 SECTION 6.01. Subchapter H, Chapter 51, Occupations Code,
20 is amended by adding Section 51.40101 to read as follows:

21 Sec. 51.40101. TEMPORARY EXTENSION OF LICENSE RENEWAL
22 PERIOD AND WAIVER OF LICENSE RENEWAL LATE FEES DURING DISASTER
23 DECLARATION. (a) In this section, "disaster declaration" means a
24 declaration by the governor of a state of disaster under Section
25 418.014, Government Code.

26 (b) Notwithstanding Section 51.401 or any other law, the
27 department:

1 (1) shall extend the period for renewing a license
2 that expires while a disaster declaration is in effect provided the
3 holder of the license files a renewal application and pays the
4 required renewal fee in accordance with commission rules governing
5 disaster renewals; and

6 (2) may not charge a late fee for a license renewal
7 described by Subdivision (1).

8 SECTION 6.02. Subtitle A, Title 3, Occupations Code, is
9 amended by adding Chapter 117 to read as follows:

10 CHAPTER 117. TEMPORARY LICENSE OR CERTIFICATE FOR CERTAIN HEALTH
11 PROFESSIONS DURING DISASTER

12 Sec. 117.001. DEFINITION. In this chapter, "disaster
13 declaration" means a declaration by the governor of a state of
14 disaster under Section 418.014, Government Code.

15 Sec. 117.002. APPLICABILITY. This chapter applies only to
16 an applicant for a license or certificate as a:

- 17 (1) medical physicist;
18 (2) perfusionist;
19 (3) physician assistant; or
20 (4) respiratory care practitioner.

21 Sec. 117.003. TEMPORARY LICENSE OR CERTIFICATE
22 REQUIREMENTS. While a disaster declaration is in effect, the
23 appropriate licensing authority may issue a temporary license or
24 certificate to an applicant to whom this chapter applies if the
25 applicant:

26 (1) currently has an active, pending application for
27 the applicable license or certificate on file with the applicable

1 licensing authority;

2 (2) meets all the qualifications for the license or
3 certificate except the applicant has not passed the final
4 examination required for the license or certificate;

5 (3) has obtained a sponsoring physician licensed in
6 this state; and

7 (4) submits an application for the temporary license
8 or certificate in the form prescribed by the licensing authority.

9 Sec. 117.004. CRIMINAL BACKGROUND CHECK. (a) A licensing
10 authority shall conduct a criminal background check of an applicant
11 for a temporary license or certificate under this chapter.

12 (b) The licensing authority may use a name-based background
13 check instead of a fingerprint-based check only if a
14 fingerprint-based check is unavailable due to the disaster for
15 which the disaster declaration is issued.

16 Sec. 117.005. SUPERVISION REQUIRED FOR PRACTICE.
17 Notwithstanding any other law, a person who holds a temporary
18 license or certificate issued under this chapter may practice as a
19 medical physicist, perfusionist, physician assistant, or
20 respiratory care practitioner, as applicable, only under the
21 supervision of a physician licensed in this state.

22 Sec. 117.006. EXPIRATION OF TEMPORARY LICENSE OR
23 CERTIFICATE. A temporary license or certificate issued under this
24 chapter expires on the earlier of:

25 (1) the date the disaster declaration expires; or

26 (2) the date the appropriate licensing authority
27 terminates a person's temporary license or certificate.

1 SECTION 6.03. Section 155.105(b), Occupations Code, is
2 amended to read as follows:

3 (b) A physician-in-training permit does not authorize the
4 performance of a medical act by the permit holder unless the act is
5 performed[+]

6 [~~(1)~~] ~~as a part of the graduate medical education~~
7 ~~training program, and~~

8 [~~(2)~~] under the supervision of a physician.

9 SECTION 6.04. Section 157.0512, Occupations Code, is
10 amended by adding Subsection (q) to read as follows:

11 (q) Notwithstanding any other law, a prescriptive authority
12 agreement between a physician and an advanced practice registered
13 nurse or physician assistant may be entered into orally.

14 SECTION 6.05. Section 301.157, Occupations Code, is amended
15 by adding Subsection (d-13) to read as follows:

16 (d-13) The board may allow a student in the final year of a
17 nursing education program to satisfy the clinical practice
18 requirements of a course of study through any amount of simulation
19 activities if a state of disaster prevents the student from
20 completing the requirements through direct patient care.

21 SECTION 6.06. Section 301.258, Occupations Code, is amended
22 by adding Subsection (e-1) to read as follows:

23 (e-1) The board may extend the expiration date of a permit
24 issued under this section by not more than six months as necessary
25 to mitigate a nursing workforce shortage caused by a state of
26 disaster.

27 SECTION 6.07. Subchapter F, Chapter 301, Occupations Code,

1 is amended by adding Section 301.2581 to read as follows:

2 Sec. 301.2581. TEMPORARY ADVANCED PRACTICE REGISTERED
3 NURSE LICENSE. (a) The board shall issue a license to practice as
4 an advanced practice registered nurse to an applicant pending the
5 results of a national certification examination if the applicant
6 meets all other requirements for obtaining the license.

7 (b) The board may not issue a license under this section to
8 an applicant who previously failed an advanced practice registered
9 nurse national certification examination.

10 (c) A license issued under Subsection (a) expires on the
11 earlier of the date of receipt of:

12 (1) a permanent license; or

13 (2) notice from the board that the license holder has
14 failed the examination.

15 (d) A person who holds a temporary license issued under this
16 section is considered to be an advanced practice registered nurse
17 for all purposes, except that the person does not have prescribing
18 and ordering authority as provided by Subchapter B, Chapter 157.

19 (e) The board may extend the expiration date of a license
20 issued under this section by not more than six months as necessary
21 to mitigate an advanced practice registered nurse workforce
22 shortage caused by a state of disaster.

23 SECTION 6.08. Section 301.261, Occupations Code, is amended
24 by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

25 (d-1) The board may waive a requirement that a person pay a
26 fee or complete a continuing education program to remove the
27 person's license from inactive status as necessary to mitigate a

1 nursing workforce shortage caused by a state of disaster.

2 (d-2) Except as provided by Subsection (d-3), the board may,
3 as necessary to mitigate an advanced practice registered nurse
4 workforce shortage caused by a state of disaster, waive a
5 requirement that a person:

6 (1) whose license to practice as an advanced practice
7 registered nurse has been inactive for at least two years but not
8 more than four years pay a reactivation fee, complete continuing
9 competency and current practice requirements, or meet the
10 requirements for renewing the person's prescriptive authority to
11 remove the person's license from inactive status; or

12 (2) whose license to practice as an advanced practice
13 registered nurse has been inactive for at least four years pay a
14 reactivation fee or complete continuing competency requirements to
15 remove the person's license from inactive status.

16 (d-3) Subsection (d-2) does not apply to a person:

17 (1) whose license was suspended, revoked,
18 surrendered, or otherwise placed on inactive status based on the
19 terms of a prior disciplinary order; or

20 (2) who is currently under disciplinary monitoring or
21 investigation.

22 SECTION 6.09. Section 301.301, Occupations Code, is amended
23 by adding Subsection (b-1) to read as follows:

24 (b-1) The board may extend the expiration date of a license
25 issued under this chapter, including the deadline to comply with
26 any renewal requirement, by not more than six months as necessary to
27 mitigate a nursing workforce shortage caused by a state of

1 disaster.

2 SECTION 6.10. Section 401.2022, Occupations Code, is
3 amended by adding Subsection (c) to read as follows:

4 (c) Notwithstanding any other law, in adopting a rule under
5 this section, the commission:

6 (1) shall authorize:

7 (A) a license holder, including a licensed intern
8 or licensed assistant, to provide services by telepractice through
9 the use of any interactive audiovisual communication system,
10 whether real-time or two-way, including a smart phone; and

11 (B) any supervision requirement for an applicant
12 under this chapter to be fulfilled wholly or partly by use of
13 telecommunications technology; and

14 (2) may not:

15 (A) require a license holder's initial
16 professional contact with a client to be in-person; or

17 (B) impose any limitation on a license holder's
18 selection of a facilitator to assist the license holder in
19 providing services by telepractice.

20 SECTION 6.11. Section 402.1023, Occupations Code, is
21 amended by adding Subsection (c) to read as follows:

22 (c) Notwithstanding any other law, in adopting a rule under
23 this section, the commission:

24 (1) shall authorize a license holder to provide
25 services by telepractice through the use of any interactive
26 audiovisual communication system, whether real-time or two-way,
27 including a smart phone; and

1 (2) may not:

2 (A) require a license holder's initial
3 professional contact with a client to be in-person; or

4 (B) impose any limitation on a license holder's
5 selection of a facilitator to assist the license holder in
6 providing services by telepractice.

7 SECTION 6.12. Section 402.255(a), Occupations Code, is
8 amended to read as follows:

9 (a) A supervisor of a temporary training permit holder must:

10 (1) be licensed to fit and dispense hearing
11 instruments under this chapter or Chapter 401, other than Section
12 401.311 or 401.312; and

13 (2) [~~currently practice in an established place of~~
14 ~~business; and~~

15 [~~(3)~~] be responsible for the direct supervision and
16 education of a temporary training permit holder.

17 SECTION 6.13. Section 403.151, Occupations Code, is amended
18 by adding Subsection (a-1) to read as follows:

19 (a-1) Notwithstanding Subsection (a), a licensed dyslexia
20 practitioner may practice outside of an educational setting to the
21 extent necessary to provide a service that would otherwise be
22 provided in an educational setting that is not reasonably
23 accessible to the licensed dyslexia practitioner or client.

24 SECTION 6.14. Subchapter D, Chapter 403, Occupations Code,
25 is amended by adding Section 403.153 to read as follows:

26 Sec. 403.153. USE OF TELECOMMUNICATIONS TECHNOLOGY.
27 Notwithstanding any other law, a license holder may provide a

1 service solely through the use of an interactive audiovisual
2 communication system, whether real-time or two-way, including a
3 smart phone.

4 SECTION 6.15. Section 506.003, Occupations Code, is amended
5 by adding Subsection (c-1) to read as follows:

6 (c-1) Notwithstanding Subsection (c)(1), applied behavior
7 analysis interventions may be based on observation and measurement
8 of behavior and environment through the use of telecommunications
9 technology if approved by the certifying entity.

10 SECTION 6.16. Section 506.055, Occupations Code, is amended
11 to read as follows:

12 Sec. 506.055. STUDENTS, INTERNS, AND FELLOWS. (a) This
13 chapter does not apply to an applied behavior analysis activity or
14 service of a college or university student, intern, or fellow if:

15 (1) the activity or service is part of a defined
16 behavior analysis program of study, course, practicum, internship,
17 or postdoctoral fellowship;

18 (2) the activity or service is directly supervised by
19 a licensed behavior analyst or an instructor in a course sequence
20 approved by the certifying entity; and

21 (3) the person is designated as a "student," "intern,"
22 "fellow," or "trainee."

23 (b) Notwithstanding Subsection (a)(2), a licensed behavior
24 analyst or an instructor may supervise a behavior analysis activity
25 or service through the use of telecommunications technology if
26 approved by the applicable college or university and the certifying
27 entity.

1 SECTION 6.17. Section 554.005, Occupations Code, is amended
2 by adding Subsection (d) to read as follows:

3 (d) In implementing Subsection (a)(3)(C)(iv), the board by
4 rule shall authorize a pharmacist to provide any required patient
5 counseling by telephone.

6 SECTION 6.18. (a) The Texas Commission of Licensing and
7 Regulation shall adopt rules under Section 51.40101, Occupations
8 Code, as added by this Act, not later than January 1, 2022.

9 (b) Section 51.40101, Occupations Code, as added by this
10 Act, applies to the renewal of a license or other authorization
11 issued by the Texas Department of Licensing and Regulation that
12 expires on or after January 1, 2022. A license or other
13 authorization that expires before that date is governed by the law
14 in effect on the date the license or other authorization expired,
15 and the former law is continued in effect for that purpose.

16 SECTION 6.19. Section 155.105(b), Occupations Code, as
17 amended by this Act, applies only to conduct that occurs on or after
18 the effective date of this Act. Conduct that occurs before the
19 effective date of this Act is governed by the law in effect on the
20 date the conduct occurred, and the former law is continued in effect
21 for that purpose.

22 SECTION 6.20. The changes in law made by this Act to
23 Chapters 401, 402, 403, and 506, Occupations Code, apply only to
24 conduct that occurs on or after the effective date of this Act.
25 Conduct that occurs before the effective date of this Act is
26 governed by the law in effect on the date the conduct occurred, and
27 the former law is continued in effect for that purpose.

ARTICLE 7. TRANSPORTATION CODE

SECTION 7.01. Section 370.262(a), Transportation Code, is amended to read as follows:

(a) Chapter 551, Government Code, does not prohibit any open or closed meeting of the board, a committee of the board, or the staff, or any combination of the board or staff, from being held by telephone conference call. The board may hold an open or closed meeting by telephone conference call subject to the requirements of Sections 551.125(c), (d), (f), and (g) [~~551.125(c)-(f)~~], Government Code, but is not subject to the requirements of Subsection (b) of that section.

ARTICLE 8. CONFLICTING ACTS; EFFECTIVE DATE

SECTION 8.01. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8.02. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.