

BILL ANALYSIS

Senate Research Center

S.B. 2587
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas must align its background check statutes with federal requirements to ensure continued access to the FBI's national criminal history record database. In 2023 the legislature passed H.B. 4123 to update and reorganize state background check statutes, but the FBI determined that the changes did not fully meet federal law requirements. Specifically, state law must explicitly define which state agencies and population groups are entitled to national background checks, whether fingerprint- or name-based, for licensing and employment purposes. Without these clarifications, Texas risks losing access to federal background checks for certain agencies. Rulemaking alone does not grant entitlement to FBI background checks—it must be codified in state statutes.

S.B. 2587 would correct these deficiencies by explicitly defining the agencies and persons eligible for national background checks in state law. The bill would update and reorganize background check provisions to ensure compliance with federal standards, preserving agencies' ability to conduct thorough screenings for licensing and employment purposes. What's more, DPS has worked with affected agencies to refine relevant population definitions, ensuring that statutory changes reflect actual operational needs.

By providing the necessary statutory clarity, S.B. 2587 would secure Texas' continued access to the FBI's national background check system, protect public safety, maintain compliance with federal law, and ensure agencies can effectively screen persons in regulated professions.

As proposed, S.B. 2587 amends current law relating to access to and use of certain criminal history record information.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Behavioral Health Executive Council is rescinded in SECTION 10 (Section 503.308, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Behavioral Health Executive Council is modified in SECTION 10 (Section 503.308, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.095, Government Code, by amending Subsection (b) to prohibit the consumer credit commissioner from releasing or disclosing to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1) (relating to certain actions the consumer credit commissioner is authorized to take under certain sections) except to the person who is the subject of the criminal history record information.

SECTION 2. Amends Section 411.106, Government Code, by amending Subsection (a), as follows:

(a) Provides that the Texas Department of Insurance (TDI) is entitled to obtain criminal history criminal history record information as provided by Subsection (a-1) (relating to

certain actions TDI is authorized to take under certain sections) that relates to a person who is:

(1) an applicant for a license, permit, certificate of authority, certificate of registration, or other authorization issued by TDI to engage in an activity regulated under the Insurance Code, including a person who meets certain criteria; or

(2) a corporate officer or director of an insurance company regulated by TDI, including a company that is an applicant for or holder of certain authorizations.

SECTION 3. Amends Section 411.1143, Government Code, by amending Subsection (a-1), as follows:

(a-1) Provides that criminal history record information the Health and Human Services Commission (HHSC) or the office of inspector general (office) is authorized to obtain under Subsection (a) (relating to certain information HHSC or the office is authorized to obtain) includes criminal history record information relating to certain persons, including a person who, with an interest of five percent or more, meets certain criteria.

Deletes existing text providing that criminal history record information HHSC or the office is authorized to obtain under Subsection (a) includes criminal history record information relating to certain persons, including a person with a direct or indirect ownership or control interest, as defined by 42 C.F.R. Section 455.101, in a provider of five percent or more.

SECTION 4. Amends Section 411.122, Government Code, by amending Subsection (d) to provide that certain state agencies are subject to Section 411.122 (Access to Criminal History Record Information), including HHSC, except as provided by Section 411.110 (Access to Criminal History Record Information), and agencies attached to HHSC and the Texas Behavioral Health Executive Council, rather than the Texas State Board of Examiners of Psychologists.

SECTION 5. Amends Section 411.12506, Government Code, by amending Subsection (a), as follows:

(a) Provides that the Texas Commission on Environmental Quality (TCEQ) is entitled to obtain criminal history record information as provided by Subsection (b) (relating to certain information TCEQ is authorized to obtain) that relates to:

(1) a person who is an applicant for, rather than who is an applicant for a license, permit, or registration under, certain authorizations, rather than under certain chapters of the Water Code and Occupations Code;

(2) is the holder of a license, rather than a license, permit, or registration, under a provision listed in Subdivision (1); or

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

SECTION 6. Amends Section 411.12508, Government Code, by amending Subsection (a), as follows:

(a) Provides that the manufactured housing division of the Texas Department of Housing and Community Affairs (TDHCA) is entitled to obtain criminal history record information as provided by Subsection (b) (relating to certain information the manufactured housing division of TDHCA is authorized to obtain) that relates to a person who is an applicant or holder of a license for certain licenses, including a manufacturer's license under Section 1201.101(a) (relating to prohibiting a person from constructing a

new HUD-code manufactured home unless that person holds a certain license), Occupations Code, rather than Chapter 1201 (Manufactured Housing), Occupations Code. Makes nonsubstantive changes.

SECTION 7. Amends Section 411.12509, Government Code, by amending Subsection (a), as follows:

(a) Provides that the state fire marshal is entitled to obtain criminal history record information as provided by Subsection (b) (relating to certain information the state fire marshal is entitled to obtain) that relates to a person who is an applicant or holder of certain authorizations, rather than to a person who is an applicant for a license issued by the state fire marshal.

SECTION 8. Amends Section 411.12517, Government Code, by amending Subsections (a), (c), (d), (e), and (f), and adding Subsections (b), (g), and (h), as follows:

(a) Provides that the Texas State Board of Pharmacy (TSBP) is entitled to obtain criminal history record information as provided by Subsection (c) that relates to a person who in addition to the information required for issuance of a license, certificate, registration, or permit by TSBP, or for employment with TSBP, is required to submit to TSBP a complete set of fingerprints and meet certain criteria, including being an applicant for or holder of a registration as a pharmacist-intern under Section 557.001 (Pharmacist-Intern Registration), Occupations Code and being an applicant for or holder of a license by examination to practice pharmacy under Section 558.051 (Qualifications for License by Examination), Occupations Code.

Deletes existing text providing that TSBP is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an applicant for or holder of a license, certificate, registration, permit, or other authorization under certain chapters of the Occupations Code. Makes nonsubstantive changes.

(b) Provides that TSBP is entitled to obtain criminal history record information as provided by Subsection (c) (relating to prohibiting TSBP from releasing certain criminal history record information and requirements for the release of additional information) that relates to a person who is a partner, an officer, a director, a managing employee, or owner or person who controls the owner and is an applicant for or holder of certain licenses.

(c)-(f) Redesignates existing Subsections (b)-(e) and makes conforming changes.

(g) Provides that the failure or refusal of an employee of or applicant to TSBP to provide the following on request constitutes good cause for dismissal or refusal to hire: a complete set of fingerprints, a true and complete name, or other information necessary for a law enforcement entity to obtain criminal history record information.

(h) Requires a license holder who previously has not submitted a complete set of fingerprints as part of an application for a license as listed in Subsection (a), in addition to the information required by Section 559.003 (Requirements for Renewal), Occupations Code, to submit to TSBP with the completed application for renewal of a license to practice pharmacy a complete set of fingerprints. Provides that failure to submit a complete set of fingerprints under this section is authorized to result in a suspension or refusal to renew the license by TSBP.

SECTION 9. Amends the title to Section 503.308, Occupations Code, to read as follows:

ASSOCIATE LICENSE.

SECTION 10. Amends Section 503.308, Occupations Code, by amending Subsection (a), as follows:

(a) Requires, rather than by rule authorizes, the executive council to provide for the issuance of an associate, rather than a temporary, license. Makes a conforming change.

(b) Authorizes an executive council by rule to adopt a system under which an associate license is authorized to be issued to a person who meets all of the academic and examination requirements for licensing and enters into a supervisory agreement with a supervisor approved by the executive council. Makes a conforming change.

SECTION 11. Amends Section 1201.003, Occupations Code, by amending Subsections (17), (22), (23), and (26), to redefine "license holder," "licensee," "person," "related person," and "salesperson."

SECTION 12. Effective date: September 1, 2025.