

By: Miles

S.B. No. 1777

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on payments for certain group home referrals; creating a criminal offense.

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

SECTION 1. Chapter 769, Health and Safety Code, as added by Chapter 141 (S.B. 188), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 767, Health and Safety Code, and amended to read as follows:

CHAPTER 767 [769]. REGULATION OF CERTAIN GROUP HOMES

Sec. 767.001 [769.001]. DEFINITION. In this chapter, "group home" means an establishment that:

(1) provides, in one or more buildings, lodging to three or more residents who are unrelated by blood or marriage to the owner of the establishment; and

(2) provides those residents with community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services as defined by Section 247.002.

Sec. 767.002 [769.002]. EXEMPTIONS. This chapter does not apply to:

(1) a person who holds a license issued under Chapter 142, 242, 246, 247, or 252;

(2) a person, establishment, or facility exempt from

1 licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

2 (3) a hotel as defined by Section 156.001, Tax Code;

3 (4) a retirement community;

4 (5) a monastery or convent;

5 (6) a child-care facility as defined by Section
6 42.002, Human Resources Code;

7 (7) a family violence shelter center as defined by
8 Section 51.002, Human Resources Code; or

9 (8) a sorority or fraternity house or other dormitory
10 associated with an institution of higher education.

11 Sec. 767.003 [~~769.003~~]. CRIMINAL HISTORY RECORD
12 INFORMATION REQUIREMENT FOR APPLICANTS AND EMPLOYEES; CRIMINAL
13 PENALTY. (a) An owner or operator of a group home shall obtain
14 criminal history record information maintained by the Department of
15 Public Safety of the State of Texas on each individual who is an
16 applicant for employment with or an employee of the group home.

17 (b) An owner or operator of a group home may not hire or
18 continue to employ an individual for whom the owner or operator
19 obtains criminal history record information on the applicant's or
20 employee's conviction of an offense under Chapter 19, 20, 20A, 21,
21 22, 25, 28, 29, 30, 31, 32, 33, 33A, 34, 35, 35A, or 71, Penal Code,
22 or Section 48.015, 48.02, 48.03, or 48.04, Penal Code, or any other
23 offense punishable as a Class A misdemeanor or a felony.

24 (c) An owner or operator of a group home who violates
25 Subsection (b) commits an offense. An offense under this section is
26 a Class A misdemeanor.

27 Sec. 767.004. PROHIBITED PAYMENT FOR CERTAIN GROUP HOME

1 REFERRALS; CRIMINAL PENALTY. (a) In this section, "health care
2 provider" means an individual who is licensed, certified, or
3 otherwise authorized to provide health care services in this state.

4 (b) A health care provider or employee or contractor of a
5 health care provider may not accept any form of payment for
6 referring a potential resident to a group home, including a group
7 home operating under the home and community-based services (HCS)
8 waiver program, if the group home is owned or operated by a person
9 who does not hold a license or permit for the group home issued in
10 accordance with applicable state laws or local regulations.

11 (c) A health care provider or employee or contractor of a
12 health care provider who violates this section commits an offense.
13 An offense under this section is a Class B misdemeanor.

14 SECTION 2. To the extent of any conflict, this Act prevails
15 over another Act of the 89th Legislature, Regular Session, 2025,
16 relating to nonsubstantive additions to and corrections in enacted
17 codes.

18 SECTION 3. This Act takes effect September 1, 2025.