

1-1 By: Zaffirini S.B. No. 2587
1-2 (In the Senate - Filed March 13, 2025; April 3, 2025, read
1-3 first time and referred to Committee on Business & Commerce;
1-4 May 5, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; May 5, 2025,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2587 By: Zaffirini

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to the access to and use of certain criminal history record
1-24 information, to the procedure for obtaining that information, and
1-25 to the correct terminology for certain licenses the issuance of
1-26 which requires a criminal history background check.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 411.0845(e), Government Code, is amended
1-29 to read as follows:

1-30 (e) A person entitled to receive criminal history record
1-31 information under this section must provide the department with the
1-32 following information regarding the person who is the subject of
1-33 the criminal history record information requested:

1-34 (1) the person's full name, date of birth, and sex,
1-35 ~~[and social security number,]~~ and the number assigned to any form of
1-36 unexpired identification card issued by this state or another
1-37 state, the District of Columbia, or a territory of the United States
1-38 that includes the person's photograph;

1-39 (2) a recent electronic digital image photograph of
1-40 the person and a complete set of the person's fingerprints as
1-41 required by the department; and

1-42 (3) any other information required by the department.

1-43 SECTION 2. Section 411.086(b), Government Code, is amended
1-44 to read as follows:

1-45 (b) Rules adopted by the department:

1-46 (1) shall provide for a uniform method of requesting
1-47 criminal history record information from the department;

1-48 (2) may require a person requesting criminal history
1-49 record information about an individual to submit to the department
1-50 one or more of the following:

1-51 (A) the complete name, race, and sex of the
1-52 individual;

1-53 (B) any known alias name of the individual;

1-54 (C) a complete set of the individual's
1-55 fingerprints;

1-56 (D) a recent photograph of the individual;

1-57 (E) any known identifying number of the
1-58 individual, including ~~[social security number,]~~ FBI number,
1-59 driver's license number, or state identification number;

1-60 (F) the individual's date of birth;

1-61 (G) any known alias dates of birth of the
1-62 individual; or

1-63 (H) any other information the department

determines is necessary to identify the individual or the record;

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

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

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

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

SECTION 4. Section 411.095(b), Government Code, is amended to read as follows:

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

(1) on court order;

(2) to the person who is the subject of the criminal history record information;

(3) with the consent of the person who is the subject of the criminal history record information; or

(4) in a hearing where the Office of Consumer Credit Commissioner is a party.

SECTION 5. Section 411.106(a), Government Code, is amended to read as follows:

(a) The Texas Department of Insurance is entitled to obtain criminal history record information as provided by Subsection (a-1) 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 the Texas Department of Insurance to engage in an activity regulated under the Insurance Code, including a person who is:

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

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

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

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

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

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

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

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

(I) an applicant for or holder of a license under

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

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

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

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

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

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

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

(P) an applicant for or holder of a certificate of registration under Chapter [4201](#), Insurance Code, or associated with an entity that is an applicant for or holder of such a certificate;

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

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

(S) an applicant for or holder of a license under Chapter [91](#), Labor Code; or

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

(A) Chapter [801](#);

(B) Chapter [822](#);

(C) Chapter [841](#);

(D) Chapter [843](#);

(E) Chapter [844](#);

(F) Chapter [846](#);

(G) Chapter [848](#);

(H) Chapter [964](#);

(I) Chapter [1305](#); and

(J) Title 11.

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

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

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

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

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

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

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

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

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

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

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

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

(1) a person that:

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

(B) owns an interest of five percent or more in a mortgage, deed of trust, promissory note, or other obligation secured by the provider or person applying to enroll as a provider if that interest equals at least five percent of the value of the property or other assets of the provider or person applying to enroll as a provider;

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

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

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

(e) In this section:

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

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

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

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

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

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

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

(1) Texas Appraiser Licensing and Certification Board;

(2) Texas Board of Architectural Examiners;

(3) Texas Board of Chiropractic Examiners;

(4) State Board of Dental Examiners;

(5) Texas Board of Professional Engineers and Land

5-1 Surveyors;
 5-2 (6) Texas Funeral Service Commission;
 5-3 (7) Texas Board of Professional Geoscientists;
 5-4 (8) Health and Human Services Commission, except as
 5-5 provided by Section 411.110, and agencies attached to the
 5-6 commission;
 5-7 (9) Texas Department of Licensing and Regulation;
 5-8 (10) Texas Commission on Environmental Quality;
 5-9 (11) Executive Council of Physical Therapy and
 5-10 Occupational Therapy Examiners;
 5-11 (12) Texas Optometry Board;
 5-12 (13) Texas State Board of Pharmacy;
 5-13 (14) Texas State Board of Plumbing Examiners;
 5-14 (15) Texas Behavioral Health Executive Council [~~State~~
 5-15 ~~Board of Examiners of Psychologists~~];
 5-16 (16) Texas Real Estate Commission;
 5-17 (17) Texas Department of Transportation;
 5-18 (18) State Board of Veterinary Medical Examiners;
 5-19 (19) Texas Department of Housing and Community
 5-20 Affairs;
 5-21 (20) secretary of state;
 5-22 (21) state fire marshal;
 5-23 (22) Texas Education Agency;
 5-24 (23) Department of Agriculture; and
 5-25 (24) Texas Department of Motor Vehicles.

5-26 SECTION 10. Section 411.12506(a), Government Code, is
 5-27 amended to read as follows:

5-28 (a) The Texas Commission on Environmental Quality is
 5-29 entitled to obtain criminal history record information as provided
 5-30 by Subsection (b) that relates to a person who:

5-31 (1) is an applicant for [~~a license, permit, or~~
 5-32 ~~registration under~~]:

5-33 (A) a water supply system operator license
 5-34 required by Section 341.033 [Chapters 341, 361, and 366], Health
 5-35 and Safety Code;

5-36 (B) a backflow prevention assembly tester
 5-37 license required by Section 341.034(c), Health and Safety Code
 5-38 [Chapter 1903, Occupations Code]; [or]

5-39 (C) a customer service inspector license
 5-40 required by Section 341.034(d), Health and Safety Code [Chapters 26
 5-41 and 37, Water Code];

5-42 (D) a municipal solid waste facility supervisor
 5-43 license required by Section 361.027, Health and Safety Code;

5-44 (E) an on-site sewage facility installer license
 5-45 or apprentice registration required by Section 366.071(a), Health
 5-46 and Safety Code;

5-47 (F) an on-site sewage facility maintenance
 5-48 provider license or maintenance technician registration required
 5-49 by Section 366.071(a), Health and Safety Code;

5-50 (G) an on-site sewage facility designated
 5-51 representative license required by Section 366.071(b), Health and
 5-52 Safety Code;

5-53 (H) an on-site sewage facility site evaluator
 5-54 license required by Section 366.071(c), Health and Safety Code;

5-55 (I) a landscape irrigator or irrigation
 5-56 technician license required by Section 1903.251(a), Occupations
 5-57 Code;

5-58 (J) an irrigation inspector license required by
 5-59 Section 1903.251(a), Occupations Code;

5-60 (K) a water treatment specialist certificate
 5-61 required by Section 1904.052, Occupations Code;

5-62 (L) a wastewater treatment plant operator
 5-63 license required by Section 26.0301(c), Water Code;

5-64 (M) a wastewater collection system operator
 5-65 license required by Section 26.0301(c), Water Code;

5-66 (N) a leaking petroleum storage tank corrective
 5-67 action project manager or specialist license required by Section
 5-68 26.366, Water Code; or

5-69 (O) an underground storage tank on-site
 5-70 supervisor license required by Section 26.456, Water Code;

5-71 (2) is the holder of a license, registration, or

certificate~~[, permit, or registration]~~ under a provision listed in Subdivision (1); or

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

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

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

(1) an applicant for or holder of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) an applicant for or holder of a license to

practice as a respiratory care practitioner; ~~and~~

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

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

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

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

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

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

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

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

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

SECTION 15. Section 411.12517, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (a-2), (g), and (h) to read as follows:

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

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

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

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

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

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

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

(7) ~~[(4)]~~ is an applicant for employment at or current employee of the Texas State Board of Pharmacy.

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

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

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

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

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

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

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

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

(1) a complete set of fingerprints;

(2) a true and complete name; or

(3) other information necessary for a law enforcement entity to obtain criminal history record information.

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

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

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

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

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

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

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

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

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

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

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