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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, May 21, 2025
89th Legislature, Number 70
The House convenes at 10 a.m.
Part One

Two bills are on the Major State Calendar and 63 bills are on the General State Calendar for second reading consideration today. The list of bills included in today's *Daily Floor Report* appears on the following page.

Gary VanDeaver
Chairman
89(R) - 70

HOUSE RESEARCH ORGANIZATION

Daily Floor Report
Wednesday, May 21, 2025
89th Legislature, Number 70
Part 1

SUBJECT: Revising medical exception to abortion, requiring certain training

COMMITTEE: Public Health — favorable, without amendment

VOTE: 12 ayes — VanDeaver, Campos, Bucy, Collier, Cunningham, Frank, Johnson, J. Jones, Olcott, Pierson, Schofield, Shofner

0 nays

1 absent — Simmons

SENATE VOTE: On final passage (April 29) — 31 - 0

WITNESSES: For — None

Against — None

DIGEST: SB 31 would revise various statutes relating to exceptions to the prohibition of abortions based on a physician's exercise of reasonable medical judgment in certain circumstances. The bill would establish related provisions on medical treatment and medical liability, and would provide for legal and medical continuing education requirements related to abortion regulations and pregnancy-related medical emergencies.

Exception to abortion prohibition, medical treatment. SB 31 would revise an exception established under the Health and Safety Code to the prohibition against performing, inducing, or attempting an abortion that allows a physician, in the exercise of reasonable medical judgment, to perform, induce, or attempt an abortion on a pregnant female who has a life-threatening physical condition aggravated by, caused by, or arising from the pregnancy that places her at risk of death or poses a serious risk of substantial impairment of a major bodily function unless the abortion was performed or induced.

The bill would remove provisions requiring the person performing, inducing, or attempting the abortion under this exception to do so in a manner that, in the exercise of reasonable medical judgment, provides the

best opportunity for the unborn child to survive unless it would create a greater risk of the pregnant female's death or a serious risk of substantial impairment of one of her major bodily functions.

Instead, the bill would authorize a physician to address such a risk before the pregnant female suffers effects of the risk. In order for a physician to act, the bill would specify that the exception did not require that the risk be imminent, that the female first suffer physical impairment, or that the physical condition had caused damage to the pregnant female.

For purposes of the exception, SB 31 would define "life-threatening" to mean capable of causing death or potentially fatal. The bill would specify that a life-threatening condition was not necessarily one actively injuring the patient.

The bill would require a physician treating a life-threatening physical condition under the above exception to do so in a manner that, in the exercise of reasonable medical judgment, provided the best opportunity for survival of an unborn child. The bill would establish that it was an exception to the application of these provisions that, in the physician's reasonable medical judgment, the manner of treatment that provided the best opportunity for survival of an unborn child would create a greater risk of the pregnant female's death or substantial impairment of one of her major bodily functions.

The bill also would establish that Health and Safety Code provisions relating to abortion did not require a physician to delay, alter, or withhold medical treatment provided to a pregnant female if doing so would create a greater risk to her of death or substantial impairment of a major bodily function.

SB 31 would provide that a physician's reasonable medical judgment in treating a pregnant female included removal of an ectopic pregnancy and a dead, unborn child whose death was caused by spontaneous abortion.

The bill would replace the existing definition of "medical emergency" under the Woman's Right to Know Act, referring instead to the exception for a life-threatening physical condition provided by the bill and making conforming changes to relevant provisions.

The bill also would repeal certain provisions in the Penal Code and Civil Practice and Remedies Code establishing affirmative defenses to liability for abortion based on medical judgment.

Accidental or unintentional death. For any law that provided an exception to an otherwise prohibited abortion based on a pregnant female's life-threatening condition, the bill would establish an exception to the application of each law that the death or injury of an unborn child was accidental or unintentional and resulted from a physician's treatment of a pregnant female based on reasonable medical judgment.

Documentation and ectopic pregnancy. SB 31 would revise a requirement for a physician providing an abortion-inducing drug to document certain information in the woman's medical record by removing the specification that the location of the pregnancy to be documented was an intrauterine location and specifying that "ectopic pregnancy" had the meaning assigned under certain other Health and Safety Code provisions.

SB31 would expand this definition of "ectopic pregnancy" to include the implantation of a fertilized egg or embryo in an abnormal location in the uterus or in a scarred portion of the uterus, causing the pregnancy to be non-viable.

Medical liability. The bill would replace a provision establishing that an action related to the affirmative defense repealed by the bill was a health care liability claim. The bill would instead define as a health care liability claim a civil action brought against a physician or health care provider for a violation of certain abortion laws.

SB31 would establish that provisions prohibiting an abortion after a fetal heartbeat could be detected applied only to an unlawful abortion. The bill would establish that certain activities did not constitute aiding or abetting under those provisions, including:

- services and communications by a physician or health care provider with another physician or health care provider or with a patient for the purpose of arriving at a reasonable medical judgment as required by an exception to an otherwise prohibited abortion;

- communications between an attorney and a physician or health care provider related to an exception to an otherwise prohibited abortion; and
- communications between a treating physician and another person, or providing services or products to a treating physician or a patient relating to performing, inducing, or attempting an abortion for which the physician has determined that, in reasonable medical judgment, an exception to an otherwise prohibited abortion was applicable.

Unlicensed abortion facilities. SB 31 would establish an exception to the criminal offense of establishing or operating an unlicensed abortion facility for an abortion that was performed in an unlicensed abortion facility due to a medical emergency in which the pregnant female had a life-threatening physical condition described by the exception amended by the bill.

The bill would specify that for purposes of this exception, the term "unlicensed abortion facility" would not include an individual or entity to which funds appropriated by the Legislature in the General Appropriations Act are prohibited from being distributed.

Medical Practice Act. SB 31 would establish the medical exception described in the bill as an exception to the third-degree felony offense of practicing medicine in violation of the Medical Practice Act.

The bill would provide that the Medical Practice Act could not be construed to prohibit, and the Texas Medical Board (TMB) could not take action against a physician regarding, an abortion in response to a medical emergency in which the pregnant female had a life-threatening physical condition that qualified for an exception under the bill.

Vernon's civil statutes. SB 31 would amend Vernon's Civil Statutes with respect to the civil statutes relating to abortion by removing a provision establishing that nothing in those civil statutes applies to an abortion procured or attempted by medical advice for the purpose of saving the life of the mother. The bill would establish instead that it was an exception to the application of those civil statutes that an abortion was procured,

performed, or attempted due to a medical emergency, as defined in the bill.

SB 31 would specify that the changes to the civil statutes relating to abortion could not be construed to affirm or reject the validity or efficacy of any provision within those civil statutes, to affirm or reject that any such provision had been revived or remained or had become good law, or to moot any judicial proceedings concerning the validity or efficacy of any such provision. The bill would establish that the Legislature made such changes to the civil statutes relating to abortion solely to clarify statutory text and to ensure medical care could be provided to a pregnant woman in an applicable medical emergency without prejudice to, or resolution of, any question concerning any such provision.

Legal precedent. SB31 would require a chapter of a civil statute, any part of which was amended by the bill, to be construed as consistent with certain Texas appellate court decisions specified in the bill.

In addition, the bill would require that the exceptions described in the bill be construed as consistent with certain Texas Supreme Court cases.

Continuing legal education. SB 31 would require the State Bar of Texas to develop or solicit and offer a comprehensive continuing legal education (CLE) program on abortion regulation in Texas, focusing on exceptions to otherwise prohibited abortions and including certain topics specified in the bill.

The bill would require the CLE program to be developed in cooperation with the State Bar's Health Law Section, physician and provider organizations, and other qualified stakeholders. It would be required to be offered at no cost to licensed attorneys no later than January 1, 2026.

Continuing medical education. SB 31 also would require the Texas Medical Board (TMB), by January 1, 2026, to approve and offer one or more courses on laws governing pregnancy-related medical emergencies. Courses could be developed by physician organizations, medical schools, or other approved providers and would count toward physicians' continuing medical education (CME) requirements. The courses would be required to address:

- what did and did not constitute an abortion, including exclusions for ectopic pregnancy and spontaneous abortion;
- abortion prohibitions and prohibited procedures;
- statutory exceptions based on medical emergencies; and
- the role of reasonable medical judgment in applying those exceptions.

Physicians providing obstetric care would be required to complete at least one hour of the approved course before initial licensure or first renewal after January 1, 2026. The one-time requirement would be enforced through TMB rulemaking. At least one course would need to be made available online and free of charge. The bill would provide that CME provisions did not create a cause of action, and the CME requirement would not constitute aiding or abetting an unlawful abortion.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUPPORTERS SAY:

SB 31 would provide needed clarity to health care providers and patients on Texas abortion laws by defining what constitutes a medical emergency as a life-threatening physical condition that places a pregnant female at risk of death or serious impairment of a major bodily function. The bill would establish clear, consistent guidelines to ensure necessary life-saving care is not denied or delayed. Following the Supreme Court's *Dobbs* decision in 2022, hospitals have faced challenges navigating multiple abortion statutes that contain conflicting definitions and undefined terms, which has led to uncertainty as to when doctors may safely respond to pregnancy-related emergencies. Several Texas women have died after being denied care, and many women have reported delays in receiving care or having to go outside of the state for critical care. The bill would protect the lives of pregnant patients by reducing legal ambiguity and ensuring that physicians can intervene without fear of civil or criminal penalties, loss of licensure, or private lawsuits when acting in good faith under the emergency exception to prohibited abortions.

By clarifying and aligning provisions across multiple abortion statutes, the bill would reduce confusion and help ensure that emergency care is applied more consistently and lawfully across healthcare systems.

Clarifying that a condition does not have to be imminent or already causing active harm before intervention would allow physicians to act earlier, before complications escalate. Conditions like sepsis, hemorrhage, and preeclampsia often require prompt action, and the bill would help prevent avoidable harm by reinforcing a physician's ability to rely on reasonable medical judgment.

The bill also would require continuing legal and medical education to ensure attorneys, physicians, and hospital staff understand how to apply the law. This would promote more informed decision-making, reduce defensive practices, and improve coordination between legal and clinical teams in emergency care.

The bill would specify that the amendment to Vernon's Civil Statutes is intended solely to clarify statutory text and ensure that medical care may be provided to a pregnant woman experiencing a medical emergency. The bill states that nothing in the amendment should be construed to affirm or reject the validity of these statutes or to affect any judicial proceedings concerning their enforcement. This language would help to preserve neutrality in ongoing litigation while providing statutory guidance to support timely emergency care.

CRITICS SAY:

While SB 31 seeks to clarify the legal scope of abortion exceptions in medical emergencies, it would not sufficiently protect patients, providers, and those who assist them from legal risk.

By applying provisions on medical emergencies amended by the bill to certain 1925 civil statutes on abortion that have been deemed unenforceable by the courts, the bill could revive laws that criminalize people who obtain or help facilitate abortions by causing a court to rule that these laws were still in effect. The bill would not provide a statutory exception for individuals seeking or supporting an abortion under the emergency provisions, which could leave patients and those who assist them without legal protection. This also could broaden criminal and civil liability for patients, providers, and organizations that help Texans access abortion care, including across state lines.

Without providing further guidance on the term "reasonable medical judgment" and leaving key terms like "substantial impairment of a major bodily function" undefined, the bill would not do enough to provide legal clarity to health care professionals. This ambiguity could force physicians

to delay care until a condition became clearly life-threatening, rather than allowing them to act preventively, raising the risk of serious complications or worse outcomes. Furthermore, clarifying the existing exceptions to Texas' strict abortion laws would not address the need for comprehensive access to reproductive health care for women in the state.

By not expressly addressing conditions such as fetal anomalies or non-viable pregnancies, the bill leaves unclear whether exceptions would apply when continuing a pregnancy poses serious health risks but does not meet the strict statutory definition of a medical emergency. Despite the bill's education provisions, providers could remain unsure of how to apply the exception in complex cases.

SUBJECT: Prohibiting abortion travel assistance by governmental entities

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 10 ayes — King, Darby, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Raymond, Smithee

3 nays — Anchía, Thompson, Turner

2 absent — Hernandez, Y. Davis

SENATE VOTE: On final passage (April 16) — 22 - 9

WITNESSES: For —Vanessa Sivadge, Protecting Texas Children; Mark Lee Dickson, Right to Life Across Texas; Samantha Furnace, Rebekah King, Ashley Leenerts, Brittani Oglesbee, John Seago, Texas Right to Life; Jonathan Covey, Texas Values; and 8 individuals (*Registered, but did not testify*: Addie Crimmins, ADF ACTION; Mike Knuffke, Patrick Von Dohlen, San Antonio Family Association; Cindy Asmussen, Southern Baptists of Texas Convention; Amy O'Donnell, Joe Pojman Ph.D., Texas Alliance for Life; Jennifer Allmon, Texas Catholic Conference of Bishops; Megan Benton, Texas Values Action; Michelle Evans, Williamson County Republican Party)

Against — Yaneth Flores, Avow Texas; Natalia Flores, Limya Harvey, Black Book Sex Ed; Ariana Rodriguez, Jane's Due Process; Erika Galindo, Lilith Fund; Michelle Venegas-Matula, Texas Unitarian Universalist Justice Ministry; Bryce Stanfield (*Registered, but did not testify*: Andrew Hendrickson, ACLU of Texas; Nadia Islam, City of San Antonio; Madison Clendening, Lilith Fund; Grace Brooks, Planned Parenthood Texas Votes; Grace Bonilla, Jody Harrison, Texas Impact; and 11 individuals)

BACKGROUND: Government Code sec. 2273.003 prohibits a governmental entity from entering into a taxpayer resource transaction with an abortion provider or an abortion provider affiliate. An abortion provider is defined by sec.

2273.001 as a licensed abortion facility or a licensed ambulatory surgical center used to perform more than 50 abortions in any 12-month period.

Sec. 2273.004 authorizes the attorney general to bring an action to enjoin a violation of sec. 2273.003.

DIGEST:

SB 33 would expand the prohibition under Government Code sec. 2273.003 to apply to a taxpayer resource transaction with an abortion assistance entity for the purpose of providing an abortion or abortion assistance. An abortion assistance entity would mean a person who procured or facilitated a woman's procurement of an abortion by:

- offering or providing money to pay for, reimburse, or offset the costs of an abortion or associated costs, regardless of location;
- paying for, planning, or executing plans for travel accommodations, including transportation, meals, or lodging, with the intent of facilitating the procurement of an abortion, regardless of location;
- offering, providing, or paying for any type of service or logistical support to facilitate the procurement of an abortion; or
- collecting or distributing an abortion-inducing drug to increase access to such drugs.

The bill also would amend the definition of abortion provider under sec. 2272.001 to mean a person who performed or induced an abortion.

SB 33 also would prohibit a governmental entity from entering into a taxpayer resource transaction or appropriating or spending money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider. Logistical support would include providing money for child care, travel or transportation to or from an abortion provider, lodging, food, counseling that encourages a woman to have an abortion, and any other service facilitating the provision of an abortion. This prohibition would not apply to a taxpayer resource transaction entered into or money appropriated or spent by a governmental entity that was subject to a federal law in conflict with these provisions as determined by the

executive commissioner of the Health and Human Services Commission and confirmed in writing by the attorney general.

SB 33 would amend Government Code sec. 2273.004 to authorize a Texas resident or an individual residing within a political subdivision of the state, in addition to the attorney general, to bring an action against any party to the actual or proposed prohibited transaction, appropriation, or expenditure of a governmental entity that violated or was seeking to violate the bill or sec. 2273.003 as amended by the bill. A person bringing such an action would be entitled to declaratory relief, injunctive relief that terminated and reimbursed any value conferred by the prohibited activity and enjoined the party from entering into such activity in the future, court costs, and attorney's fees.

The bill would take effect September 1, 2025.

SUPPORTERS SAY:

SB 33 would support fiscal integrity and moral accountability in Texas by expanding the prohibition on taxpayer money being used to fund abortions to various forms of indirect funding supporting abortion services, including support for a person traveling out of the state to obtain an abortion. While the state has strong pro-life laws, thousands of pregnant women from Texas are still receiving abortions outside the state, and some local governments have deliberately circumvented the state's ban on the use of public funds to support elective abortions by instead providing such funds to organizations that pay for abortion-related travel. SB 33 would close this perceived loophole and ensure that local governments comply with Texas' pro-life laws rather than continuing to subvert the will of the Legislature.

Many Texans are opposed to their tax dollars being used to facilitate out-of-state abortions, which is an abuse of funds and not a legitimate public purpose. Elective abortion is an act of violence regardless of state borders, and SB 33 would ensure that Texas taxpayers are not forced to subsidize travel to another state for an act that is prohibited in and goes against the pro-life values of this state. Public funds could instead be used to provide local support to women with crisis pregnancies and other legitimate governmental functions and services that benefit communities. The bill would not undermine local control because it would simply clarify the

intent of current law to prevent taxpayer money from being used to support abortion. The bill also would not prevent any organization from continuing to provide assistance using private funds.

By allowing any Texas resident to file a civil lawsuit to enforce the bill, SB 33 would give the public a tool to hold local governments accountable and ensure that taxpayer money is not spent to support elective abortions. The bill also avoids conflicting with any applicable federal requirements while also preventing federal overreach by ensuring that any conflict with federal law would have to be confirmed by the attorney general.

CRITICS SAY:

SB 33 would undermine local control, worsen reproductive outcomes in the state, and hinder Texans, especially those who are economically disadvantaged, from receiving necessary reproductive healthcare by prohibiting cities from supporting entities that provide logistical assistance to Texans in need of an abortion. The total ban on abortion in Texas has caused a public health crisis, forcing many to seek abortion care outside the state, which can already be difficult due to the expense and time required. Under these circumstances, some local governments have helped to ease the burden on those seeking abortion care using legal, innovative, and equitable methods. By prohibiting support from local governments to organizations that help with abortion-related travel expenses, SB 33 would add another barrier to health care access.

Local officials are best situated to respond to the needs of their communities, and SB 33 would be a major overreach by the state into local affairs, preventing local governments from helping to save the lives of pregnant women with the tools currently available to them. Local governments are not funding abortion procedures but rather providing practical, logistical support for their constituents' need for reproductive healthcare access. SB 33 would unfairly penalize these governments and other organizations for supporting compassionate care. These public health initiatives are widely supported by community residents, who could vote their elected representatives out of office if they disagree with the policy of providing travel support for abortion care.

By allowing any individual in the state to file a civil suit to enforce the bill, SB 33 could invite surveillance, facilitate the invasion of privacy, and cultivate fear and mistrust within communities.

SUBJECT: Creating offense for obscene visual material appearing to depict a child

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 11 ayes — Smithee, Wu, Bowers, Cook, J. Jones, Little, Louderback, Money, Moody, Rodríguez Ramos, Virdell

0 nays

SENATE VOTE: On final passage (March 12) — 31 - 0

WITNESSES: For — Greyson Gee, Texas Public Policy Foundation (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Brian Hawthorne, Sheriffs' Association of Texas; Jennifer Allmon, Texas Catholic Conference of Bishops; John Wilkerson, Texas Municipal Police Association (TMPA); Scott Rubin, Texas Police Chiefs Association; Thomas Parkinson)

Against — None

BACKGROUND: Concerns have been raised regarding the authority of Texas law enforcement to combat child exploitation materials generated by artificial intelligence, cartoons, and other computer-generated imagery. Some have suggested expanding the legal authority to prosecute obscene visual material, as defined by law, that depicts a child.

DIGEST: SB 20 would create an offense for the possession or promotion of obscene visual material appearing to depict a child younger than 18 years of age.

Under the bill, a person would commit an offense if the person knowingly possessed, accessed with intent to view, or promoted obscene visual material containing a depiction that appeared to be of a child younger than 18 years of age engaging in certain activities described by provisions of current law on obscenity, regardless of whether the depiction was an image of an actual child, a cartoon or animation, or an image created using an artificial intelligence (AI) application or other computer software.

The offense would be a state-jail felony (180 days to two years in a state jail and an optional fine of up to $10,000), except that the offense would be:

- a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000) if the person was previously convicted of an offense under the bill or for possessing or promoting child pornography or obscenity, electronically transmitting certain visual material depicting a minor, or possessing or promoting lewd visual material depicting a child; or
- a second-degree felony (two to 20 years in prison and an optional fine of up to $10,000) if the person was previously convicted two or more times of an offense under the bill, the above offenses, or any combination of these offenses.

If conduct constituting an offense under the bill also constituted an offense under another law, the actor could be prosecuted under the bill, the other law, or both. SB 20 would add the new offense to provisions regarding multiple crimes arising from the same episode, allowing sentences for an offense under the bill, or for an offense that was part of a plea agreement when the accused was charged with more than one offense under the bill, to run concurrently or consecutively.

The bill also would add the new offense to existing provisions in the Penal Code related to organized criminal activity. The bill would reenact these provisions, removing unlawful possession with the intent to deliver a controlled substance or dangerous drug and certain opiates from the list of organized crime offenses.

SB 20 would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined due to a lack of data to estimate the prevalence of conduct outlined in the bill that would be subject to criminal penalties.

SUBJECT: Creating the Historic Texas Freedmen's Cemetery Designation Program

COMMITTEE: Culture, Recreation & Tourism — favorable, without amendment

VOTE: 6 ayes — Metcalf, Cole, DeAyala, Kerwin, Orr, Ward Johnson

0 nays

3 absent — Flores, Martinez Fischer, Vasut

SENATE VOTE: On final passage (April 22) — 30 - 1

WITNESSES: None

BACKGROUND: Some have suggested that a program should be established to inform the public, as well as current and future landowners, of the existence of freedmen's cemeteries in the state, where predominantly persons of color who were formerly enslaved and died free are buried.

DIGEST: SB 217 would require the Texas Historical Commission to establish the Historic Texas Freedmen's Cemetery Designation Program to alert the public, as well as current and future owners of land adjacent to an eligible cemetery, of the existence of a cemetery that contained the graves of freed slaves. The act would be known as the Historic Texas Freedmen's Cemetery Designation Act.

The bill would require a cemetery to contain the grave of at least one freed slave and meet other requirements determined by the commission to be eligible for a designation under the program.

SB 217 would authorize any person to submit an application to the commission to designate a cemetery under the program and would require an applicant to include as part of the application information establishing the cemetery's existence and that the cemetery contained the grave of at least one freed slave.

The bill would require the commission, after receiving an application, to notify:

- the owner of the property containing the cemetery;
- each owner of property adjacent to the cemetery; and
- the cemetery organization, defined by reference to general Health and Safety Code provisions relating to cemeteries, if applicable.

SB 217 would require the commission to review each application it received under the program and to determine whether the cemetery qualified for designation.

The bill would require the commission to approve and notify an applicant if the cemetery qualified for designation, and to inform the applicant that a medallion certifying program participation was available for purchase. If the cemetery did not qualify, the commission would have to request additional information or deny the application. In the case of a denial, the commission would have to notify the applicant and inform them of their ability to appeal the decision.

SB 217 would require the commission to develop an application form and procedure for requesting a cemetery designation, post the application on its website, and design a medallion to identify designated cemeteries. The bill would authorize the commission to charge an application fee, capped at $25, for each submission.

The commission would have to adopt any rules necessary to implement the bill by June 1, 2026.

The bill would take effect September 1, 2025.

SUBJECT: Dissolving the Texas Self-Insurance Group Guaranty Fund

COMMITTEE: Trade, Workforce & Economic Development — favorable, without amendment

VOTE: 9 ayes — Button, Talarico, K. Bell, Bhojani, Harris Davila, Lujan, Meza, Ordaz, Richardson

0 nays

2 absent — Longoria, Luther

SENATE VOTE: On final passage (April 16) — 31 - 0

WITNESSES: For — Timothy Loonam, Texas Cotton Ginners' Trust (*Registered, but did not testify*: Albert Betts, Insurance Council of Texas; Kelley Green, Texas Cotton Ginners Association)

Against — None

On — (*Registered, but did not testify*: Jamie Walker, Texas Department of Insurance; Steven Deline)

BACKGROUND: Some have suggested that, as commercial insurance rates have declined, there is less need for workers' compensation self-insurance groups.

DIGEST: SB 264 would prohibit the commissioner of insurance from issuing a certificate of approval to a proposed workers' compensation self-insurance group on or after September 1, 2025. The bill would authorize the commissioner to amend certificates issued to groups before that date.

The bill would require the board of directors of the Texas Self-Insurance Group Guaranty Fund to submit to the commissioner of insurance a revised plan of operation to wind down and dissolve the guaranty fund and trust fund by December 1, 2025. The plan would have to include steps for distributing remaining funds to qualified groups, notifying stakeholders, and an estimated timeline for wind down. The commissioner

would be required to approve the plan if it sufficiently described the actions to be taken. The board would then be required to implement the approved plan and notify the commissioner within 30 days of completing the wind down.

Not later than 30 days after receiving notice, the commissioner would have to determine whether the guaranty fund had met its obligations under the plan. If so, the commissioner would be required to issue an order requiring the distribution of any remaining funds to qualified groups. Thirty days after that order, the guaranty fund, trust fund, and board of directors would be dissolved.

The bill would take effect September 1, 2025.

SUBJECT: Requiring physicians to report certain adverse vaccine or drug events

COMMITTEE: Public Health — favorable, without amendment

VOTE: 11 ayes — VanDeaver, Collier, Cunningham, Frank, Johnson, J. Jones, Olcott, Pierson, Schofield, Shofner, Simmons

1 nay — Bucy

1 absent — Campos

SENATE VOTE: On final passage (April 24) — 31 - 0

WITNESSES: For - Jackie Schlegel, Texans for Medical Freedom; Michelle Evans, Texans for Vaccine Choice (*Registered, but did not testify*: Travis McCormick, Make Texans Healthy Again; Tom Glass, Texas Constitutional Enforcement; Cindi Castilla, Texas Eagle Forum; Mark Treat)

Against — None

On — (*Registered, but did not testify*: Josh Hutchison, Department of State Health Services; Matt Dowling, Texas Medical Association; Clayton Travis, Texas Pediatric Society; Steven Deline)

BACKGROUND: Concerns have been raised that adverse reactions to emergency-use authorized vaccines and drugs are not consistently reported to federal monitoring systems.

DIGEST: SB 269 would require a physician to report to the federal Vaccine Adverse Event Reporting System or the FDA through the MedWatch reporting program, as applicable, any serious adverse event the physician's patient suffered if:

- the physician diagnosed the patient with a condition related to the serious adverse event and knew the patient received a vaccination to which the requirement applied, or was administered or used a drug to which the requirement applied; and

- the patient suffered the serious adverse event before the first anniversary of the date the patient was vaccinated, or was administered or used the drug.

The requirement would apply only to a vaccine or drug that was experimental or investigational or that was approved or authorized for emergency use by the FDA. The requirement would not apply to a vaccine or drug administered as part of a clinical trial.

SB 269 would define "serious adverse event" as an event that:

- resulted in death or was considered life-threatening;
- resulted in inpatient hospitalization or an extension of the duration of an existing hospitalization;
- resulted in a persistent or significant incapacity or substantial disruption of an individual's ability to perform normal life functions;
- resulted in a congenital anomaly or birth defect; or
- resulted in a medically important condition that, based on the physician's reasonable medical judgment, could require medical or surgical intervention to prevent any such outcome.

The bill would establish that a physician who violated a reporting requirement under the bill would be subject to non-disciplinary corrective action by the Texas Medical Board (TMB) for an initial violation and disciplinary action by TMB as if the physician violated state law regulating physicians for each subsequent violation.

SB 269 would prohibit TMB, for purposes of non-disciplinary corrective action or disciplinary action imposed under the bill, from considering a violation of a reporting requirement after the third anniversary of the date of the violation. The bill would require TMB to retain information on each violation in the physician's permanent record.

The bill would take effect September 1, 2025.

SUBJECT: Requiring use of electronically readable information in alcohol sales

COMMITTEE: Licensing & Administrative Procedures — committee substitute recommended

VOTE: 9 ayes — Phelan, Gerdes, Geren, Harless, Harris, Longoria, Patterson, M. Perez, Romero

0 nays

4 absent — Thompson, Hernandez, McQueeney, Walle

SENATE VOTE: On final passage (March 26) — 31 – 0

WITNESSES: For — Charlotte Stephens (*Registered, but did not testify*: David Mintz, Be A Blake Foundation; Shelton Green, Texans for Safe and Drug Free Youth; Desiree Castro, Texas Food & Fuel Association; Steven Deline; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Matthew Cherry, TABC)

BACKGROUND: Concerns have been raised regarding a rise in fake identification cards that may lead to minors being sold and allowed to consume alcohol. Some have suggested that requiring the use of electronically readable information to verify a purchaser's age in the retail sale of alcoholic beverages on certain premises would help to prevent under age drunk driving fatalities.

DIGEST: CSSB 650 would require a person to visually inspect and access electronically readable information on a driver’s license, commercial driver’s license, or identification certificate for the purpose of verifying a purchaser’s age in a retail sale of an alcoholic beverage for off-premises consumption. A person could manually enter into an electronic reader the information on the license or certificate if the license or certificate could not be electronically scanned. A person who violated this requirement

would commit a Class A misdemeanor offense (up to one year in jail and/or a maximum fine of $4,000).

The bill would not apply to certain sales of alcoholic beverages, including retail sales of beverages on the premises of a winery or brewpub license holder, at restaurants, and at a public entertainment facility property during a sporting event, concert, festival, or other similar temporary event.

It would be a defense to prosecution or disciplinary action by the Texas Alcoholic Beverage Commission (TABC) if the person visually inspected a purchaser's license or certificate to verify the purchaser's age and the person's failure to access electronically readable information was a result of a disruption of, interruption of, or inability to access Internet or data connectivity services. It also would be a defense to prosecution if the purchaser was over 40 years of age or older on the date of the purchase.

TABC could not take any disciplinary action against a person to whom the above provisions applied for selling an alcoholic beverage to a minor if the transaction scan device used to electronically access the purchaser's electronically readable information identified the license or certificate as valid and the purchaser as 21 years of age or older.

The bill would require TABC to adopt rules to implement the bill no later than September 1, 2027. TABC could not take any disciplinary action against the holder of a permit or license issued under the Alcoholic Beverage Code for a violation of the bill for the retail sale of an alcoholic beverage made before that date.

The bill would take effect September 1, 2025.

SUBJECT: Extending the term of engineering and land surveying licenses

COMMITTEE: Licensing & Administrative Procedures — committee substitute recommended

VOTE: 8 ayes — Phelan, Geren, Harless, Harris, Longoria, McQueeney, Patterson, M. Perez

0 nays

5 absent — Thompson, Gerdes, Hernandez, Romero, Walle

SENATE VOTE: On final passage (April 10) — 30 – 0

WITNESSES: None

BACKGROUND: Occupations Code sec. 1001.351 requires the Texas Board of Professional Engineers and Land Surveyors to provide for the annual renewal of an engineering license or registration. Some have suggested that the annual license renewal requirement for Texas professional engineers and land surveyors should be revised to match the policy of other states, the majority of which require license renewal at intervals of two years or longer.

DIGEST: CSSB 681 would amend Occupations Code sec. 1001.351 to require the Texas Board of Professional Engineers and Land Surveyors to adopt rules providing that an engineering license or registration was valid for at least two years.

The board also would be required to provide by rule that a certificate of registration or license for professional land surveying was valid for at least two years.

The bill would make conforming changes to provisions regarding the registration of a business entity engaged in the practice of engineering.

The bill would require the board to adopt rules to implement the bill as soon as practicable after the effective date of the bill.

The bill would take effect September 1, 2025.

SUBJECT: Requiring HHSC to report on inpatient competency restoration services

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — VanDeaver, Campos, Bucy, Collier, Cunningham, Frank, Johnson, Olcott, Pierson, Shofner

0 nays

3 absent — J. Jones, Schofield, Simmons

SENATE VOTE: On final passage (April 24) — 31 - 0

WITNESSES: For — Brittney Dick, Signature Healthcare - Georgetown Behavioral Health (*Registered, but did not testify*: Christine Wright, City of San Antonio; Charles Reed, Dallas County Commissioners Court; Paige Williams, Dallas Criminal District Attorney John Creuzot; Christine Busse, NAMI Texas; Nicole Malone, National Association of Social Workers; Kelsey Bernstein, Texas Council of Community Centers; Michael Clarke, The Arc of Texas; Julie Wheeler, Travis County Commissioners Court)

Against — (*Registered, but did not testify*: Spenser Cook)

On — (*Registered, but did not testify*: Kristy Carr, Health and Human Services Commission)

BACKGROUND: Code of Criminal Procedure art. 46B.001 defines "competency restoration" as the treatment or education process for restoring a person's ability to consult with the person's attorney with a reasonable degree of rational understanding, including a rational and factual understanding of the court proceedings and charges against the person.

Concerns have been raised that the current contract procurement process for inpatient competency restoration programs lacks the parameters necessary to ensure program safety, coordination, and integration into community systems.

DIGEST:

CSSB 528 would establish provisions applicable to a facility that contracts or subcontracts with the Health and Human Services Commission (HHSC) to provide inpatient competency restoration services for an individual to stand trial in accordance with statutory provisions relating to incompetency to stand trial or that subcontracts to provide those services.

The bill would require the executive commissioner of HHSC by rule to require each applicable facility to enter into a memorandum of understanding with the county and municipality in which the facility was located and each local mental health authority and local behavioral health authority that operated in the county or municipality, as applicable, to outline the respective powers and duties of the parties with respect to inpatient competency restoration services.

The bill would establish that "competency restoration" would have the meaning assigned by Code of Criminal Procedure art. 46B.001.

Facility reporting requirements. CSSB 528 would require HHSC to require each applicable facility to annually provide to HHSC, in the form and manner HHSC requires, the following information for the preceding year regarding individuals who received inpatient competency restoration services at the facility:

- the total number of individuals who received the services at the facility and the number of those individuals who were restored to competency;
- for those individuals who were restored to competency, the average number of days the individuals received services at the facility;
- the number of individuals who were restored to competency after receiving services at the facility for not more than 60 days;
- the number of individuals who were not restored to competency within the initial restoration period and for whom a treatment extension was sought;
- the number of individuals who were not restored to competency and who were transferred to an inpatient mental health facility or residential care facility, defined by reference to the Persons with an Intellectual Disability Act; and
- for individuals who were not restored to competency, the average length of time between the date a determination was made that an

individual was not restored to competency and the date the individual was transferred to an inpatient mental health facility or a residential care facility.

The bill would require the data in the report to be disaggregated by whether the individual was charged with a misdemeanor or felony offense and by any other appropriate demographic factors determined by HHSC.

HHSC reporting. CSSB 528 would require HHSC, no later than August 1 of each year, to prepare and submit to the Legislature a written report on inpatient competency restoration services in Texas for the state fiscal year preceding the year in which the report was due and would require the report to include:

- a performance evaluation of each facility;
- aggregated demographic data on individuals who received inpatient competency restoration services at a facility, including the criminal offenses the individuals were charged with, the individuals' countries of origin, and the individuals' diagnoses, if applicable; and
- the overall cost of providing inpatient competency restoration services at a facility compared to the cost of providing forensic inpatient competency restoration services at a state hospital, and other competency restoration programs managed by HHSC.

The bill would take effect September 1, 2025.

SUBJECT: Revising compensation for peace officers employed by HHSC OIG

COMMITTEE: Human Services — favorable, without amendment

VOTE: 11 ayes — Hull, Manuel, A. Davis, Dorazio, Morales, Christina, Noble, Richardson, Rose, Schatzline, Slawson, Swanson

0 nays

SENATE VOTE: On final passage (March 26) — 31 - 0

WITNESSES: None

BACKGROUND: Some have suggested that compensation for peace officers employed by the Health and Human Services Commission's (HHSC) Office of the Inspector General (OIG) should be increased to align their salaries with other comparable law enforcement positions and improve officer recruitment and retention.

DIGEST: SB 502 would require the classification officer in the Office of the State Auditor to classify the position of commissioned peace officer employed as an investigator by the Health and Human Services Commission's Office of the Inspector General (OIG) as a Schedule C position under the Position Classification Act. OIG would be required to ensure that peace officers it employed were compensated according to this classification.

SB 502 also would expand the definition of "state employee" for the purposes of provisions related to hazardous duty pay to include an OIG-commissioned law enforcement officer. The bill would expand the applicability of statute entitling certain peace officers to injury leave to include a peace officer commissioned as a law enforcement officer or agent by OIG.

The salary schedule revision under SB 502 would apply beginning with the state fiscal biennium beginning September 1, 2025.

The bill would take effect September 1, 2025.

NOTES: According to the Legislative Budget Board, SB 502 would have a negative impact of $3,584,686 to general revenue related funds through the biennium.

SUBJECT: Amending certain PUC proceedings regarding water or sewer service

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 11 ayes — Harris, Martinez, Ashby, Barry, Buckley, Fairly, Gámez, J. Garcia, M. González, Romero, Villalobos

0 nays

2 absent — C. Bell, Zwiener

SENATE VOTE: On final passage (March 24) — 30 – 0

WITNESSES: None (*Considered in a formal meeting on April 24)*

BACKGROUND: Some have suggested that amending the Water Code to streamline processes for Public Utility Commission of Texas (PUC) proceedings, including those for rate adjustments and acquisition of certain utilities, would enhance service reliability and ensure that communities receive high-quality water and sewer services.

DIGEST: **System improvement charges.** For purposes of provisions related to fixing rates and revenues for water and sewer services, the Public Utility Commission of Texas (PUC), if it was the appropriate regulatory authority, would be required to enter a final order on a request for a system improvement charge to ensure timely investment of infrastructure investment no later than 60 days after determining that a complete application for a system improvement charge had been filed. PUC could extend the deadline for up to 15 days for good cause.

By September 1, 2026, PUC would be required to establish the information required for an application for a system improvement charge to be considered complete and prescribe a standard application form. The bill would establish requirements for a completed application, including supporting documentation.

Acquisition of utility. The bill would amend Water Code provisions requiring PUC to adopt an expedited process for acquisitions of stock by certain persons, instead requiring PUC to adopt a process to expedite an application for the acquisition of voting stock or ownership interest or of assets by a Class A or Class B utility of a utility in receivership, supervision, or temporary management, and, if applicable, its certificated service area. Before filing the application, an applicant would have to have been appointed as a temporary manager or supervisor for the utility by PUC or the Texas Commission on Environmental Quality (TCEQ) or have been appointed as a receiver for the utility at the request of PUC or TCEQ.

The bill also would require PUC to adopt an expedited process to authorize a municipally owned utility, a county, a water supply or sewer service corporation, a public utility agency, or a certain constitutionally-created district or authority to acquire voting stock or ownership interest or assets of a utility in receivership, supervision or temporary management, and, if applicable, its certificated service area. Before filing an acquisition application, an acquiring entity would have to have been appointed as a temporary manager or supervisor for the utility by PUC or TCEQ or as a receiver for the utility at the request of PUC or TCEQ.

The process would have to:

- be based on the expedited process for application to acquire such a utility, except for any aspects of the process that could not be applied to an entity over which PUC did not have original rate jurisdiction;
- waive public notice requirements;
- require approval of the acquisition transaction if the transaction was considered to be in the public interest; and
- provide that the acquiring entity's appointment was considered sufficient to demonstrate adequate capability for providing continuous and adequate service to the acquired service area and any areas currently certificated to the entity.

Eligibility for receiver or temporary manager. The bill would amend provisions related to utility receivership and temporary management to

specify that a person appointed as a receiver or a temporary manager for a water or sewer utility could be a person, a municipally owned utility, a county, a water supply or sewer service corporation, a public utility agency, or a certain constitutionally-created district or authority.

The bill would take effect September 1, 2025.

SUBJECT: Amending provisions prohibiting balance billing by certain EMS services

COMMITTEE: Insurance — favorable, without amendment

VOTE: 8 ayes — Dean, J. González, Goodwin, Hopper, Morgan, Paul, Spiller, Wharton

0 nays

1 absent — Vo

SENATE VOTE: On final passage (March 27) — 30 - 0

WITNESSES: For — Rachel Harracksingh, Texas Ambulance Association; Blake Hutson, Texas Association of Health Plans; Butch Oberhoff, Texas EMS Alliance (*Registered, but did not testify*: Charles Cascio, AARP Texas; Chris Fletcher, City of Burleson, Texas; T. J. Patterson, City of Fort Worth; Jacob Smith, City of Houston; Chase Bearden, Coalition of Texans with Disabilities; Tina Wells, Global Medical Response; Christine Yanas, Methodist Healthcare Ministries; Shannon Meroney, National Association of Benefits and Insurance Professionals (NABIP-TX); Annie Spilman, Texans for Affordable Healthcare; Carl Isett, Texas Association of Benefit Administrators; Faith Villarreal, Texas Association of Business; Lauren Fleming, Texas Coalition for Patients; Mackenzie Lyra, Texas Health Resources; Danielle Lobsinger Bush, Texas Healthcare and Bioscience Institute; Sara Gonzalez, Texas Hospital Association; Ben Wright, Texas Medical Association; Ashley Harris, United Ways of Texas)

Against — None

On — (*Registered, but did not testify*: Jorie Klein, Department of State Health Services; Cindy Wright, Texas Department of Insurance)

BACKGROUND: Concerns have been raised that provisions prohibiting municipally provided ground-ambulance services from engaging in balance billing of patients will expire soon. Some have suggested that these provisions

should be extended to continue protections for persons using municipal ground-ambulance services.

DIGEST:

SB 916 would extend certain expiration dates from 2025 to 2027 for provisions relating to the EMS Provider Balance Billing Rate Database.

The bill would authorize the Department of State Health Services (DSHS) to revoke, suspend, or refuse to renew an emergency medical service (EMS) provider's license or certificate if DSHS confirmed that the provider had:

- intentionally submitted incorrect information for the EMS Provider Balance Billing Rate Database; or
- engaged in a pattern of violations of certain Insurance Code provisions pertaining to non-network EMS providers.

Pertaining to out-of-network EMS services, the bill would replace certain provisions requiring a health maintenance organization to adjust in the database a rate payment set by a political subdivision with provisions authorizing a political subdivision to annually adjust a rate submitted to the EMS Provider Balance Billing Rate Database by not more than the lesser of:

- the Medicare Ambulance Inflation Factor; or
- 10 percent of the provider's previous calendar year rates.

The bill would take effect September 1, 2025.

SUBJECT: Transferring surety bond approval authority to TxDOT

COMMITTEE: Transportation — favorable, without amendment

VOTE: 12 ayes — Craddick, M. Perez, Canales, Curry, Gámez, Harris Davila, Hefner, LaHood, C. Morales, E. Morales, Patterson, Paul

1 nay — Little

SENATE VOTE: On final passage (March 26) — 31 - 0

WITNESSES: None

BACKGROUND: Some have suggested designating the Texas Department of Transportation (TxDOT) as the entity to approve certain vehicle-related surety bonds in order to ensure a bond covers potential maintenance and repair costs.

DIGEST: SB 995 would transfer approval authority from the comptroller of public accounts and attorney general to the Texas Department of Transportation (TxDOT) for a surety bond in a contract with the Texas Transportation Commission authorizing an oversize or overweight vehicle to cross a road or highway.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Requiring display of Ten Commandments in public school classrooms

COMMITTEE: Public Education — favorable, without amendment

VOTE: 10 ayes — Buckley, Ashby, Cunningham, Dutton, Frank, Hunter, Kerwin, Leach, Leo Wilson, Schoolcraft

4 nays — Bernal, Allen, Bryant, Hinojosa

1 absent — Talarico

SENATE VOTE: On final passage (March 19) — 20 – 11

WITNESSES: For — Elijah O'Neal, American Journey Experience; Matt Krause, First Liberty Institute; Jonathan Covey, Texas Values; David Barton, WallBuilders (*Registered, but did not testify*: Douglas Harris, Central Baptist Church of Deer Park; Mary Elizabeth Castle, Texas Values; Megan Benton, Texas Values Action; Christianna Brown, Julie McCarty, Fran Rhodes, True Texas Project; Timothy Barton, WallBuilders; Liz Case; Cary Cheshire; Clarice Cross; Ashley Fordinal; CJ Grisham; Brita Treat)

Against — Andrew Hendrickson, ACLU of Texas; Hayden Cohen, Students Engaged in Advancing Texas; Levi Fiedler, Rocio Fierro-Perez, Texas Freedom Network; Michelle Venegas-Matula, Texas Unitarian Universalist Justice Ministry; and 15 individuals (*Registered, but did not testify*: Nick Hudson, American Civil Liberties Union of Texas; Somprathana Kongdara, Asian Texans for Justice; Tricia Cave, Jessica Rutherford, ATPE; John Litzler, Baptist General Convention of Texas Christian Life Commission; Tracy Johnson, DFER TX; Miriam Laeky, Equality Texas; Jaime Puente, Every Texan; Shelton Green, Fellowship Southwest; Terry Kosobud, Robert Norris, Grandparents for Public Schools; Chloe Latham Sikes, IDRA; Nicole Malone, National Association of Social Workers- Texas Chapter; Juliana Bucio, Spark Change Project; Ana Gonzalez, Texas AFL-CIO; Kelsey Kling, Texas AFT; Felicia Martin, Texas Freedom Network; Grace Bonilla, Jody Harrison, Texas Impact; Sam Bortnick, Oli Hoffman, Jennifer Margulies,

Texas Jews for Democracy; Rachael Abell, Texas PTA; Maggie Disanza, Texas State Employees Union; Carrie Griffith, Texas State Teachers Association; Erin Walter, Texas Unitarian Universalist Justice Ministry; and 98 individuals)

On — Roberto Martinez; Steve Swanson (*Registered, but did not testify*: Eric Marin, TEA; Yaseen Tasnif)

BACKGROUND: Some have suggested that Texas students should be made aware of the importance of the Ten Commandments as a foundation of American and state law.

DIGEST: SB 10 would require a public elementary or secondary school to display in a conspicuous place in each classroom a durable poster or framed copy of the Ten Commandments. The poster or copy would have to be at least 16 inches wide and 20 inches tall and would have to include only the text of the Ten Commandments in a size and typeface that was legible to a person with average vision from anywhere in the classroom. The bill would prescribe the specific text for the required posters or copies.

A school in which each classroom did not include a poster or framed copy of the Ten Commandments would be required to accept and display any offer of a privately donated poster or copy that met the bill's requirements and did not contain any additional content. The bill would authorize, but not require, a school in which each classroom did not include a poster or copy of the Ten Commandments to purchase posters or copies that met the bill's requirements using district funds. A public elementary or secondary school would not be exempt from the bill.

The bill would apply beginning with the 2025-2026 school year and would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Repealing provisions governing jail commissary funds in certain counties

COMMITTEE: Intergovernmental Affairs — favorable, without amendment

VOTE: 11 ayes — C. Bell, Zwiener, Cole, Cortez, Garcia Hernandez, Leo Wilson, Lowe, Luther, Rosenthal, Spiller, Tepper

0 nays

SENATE VOTE: On final passage (April 24) — 31 – 0

WITNESSES: None (*Considered in formal meeting on April 30*)

BACKGROUND: Local Government Code sec. 351.0415 provides sheriffs with exclusive control of jail commissary funds and authorizes the use of the commissary proceeds for certain purposes. However, Local Government Code sec. 351.04155 requires sheriffs of certain counties to seek approval from the county's commissioners court for certain purchases. This section applies to a county with a population of 2.1 million or more that is adjacent to a county with that population and has two municipalities with a population of 250,000 or more.

Some have suggested that sheriffs in Dallas and Tarrant counties should be allowed to operate like sheriffs in other counties regarding the use of commissary funds.

DIGEST: SB 2581 would repeal Local Government Code sec. 351.04155, providing a sheriff in a county affected by that provision with exclusive control of commissary funds and the authority to disburse commissary proceeds without prior approval of the commissioners court.

The repeal would also have the effect of exempting purchases made by the sheriff from certain competitive purchasing procedures and removing requirements that the sheriff provide to the commissioners court each commissary-related contract and obtain approval from the commissioners court for new contract renewal bids.

The bill would take effect September 1, 2025.

SUBJECT: Establishing legal justification for certain less-lethal force weapon usage

COMMITTEE: Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment

VOTE: 10 ayes — Hefner, R. Lopez, Cortez, Dorazio, Hickland, Holt, Isaac, Louderback, McLaughlin, Pierson

0 nays

1 absent — Canales

SENATE VOTE: On final passage (April 28) — 20 - 11

WITNESSES: None

BACKGROUND: Concerns have been raised that ambiguity in the legal use of certain less lethal weapons by peace officers and correctional facility guards has led to unnecessary legal liability issues.

DIGEST: SB 2570 would establish that a guard employed by a correctional facility or a peace officer was justified in using a less-lethal force weapon against another person to the degree reasonably necessary to accomplish their official duties if use of the weapon was in substantial compliance with the guard's or officer's training.

The bill would define a less-lethal force weapon to include:

- any weapon, device, or munition that was designed, made, or adapted to expel a projectile or multiple projectiles against a target to temporarily incapacitate the target while minimizing the risk of serious bodily injury or death;
- a chemical dispensing device;
- a device used to strike a person; or
- a stun gun.

SB 2750 would take effect immediately if finally passed by a two-thirds record vote by elected members of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Expanding aggravated assault for certain vehicle-related firearm conduct

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Smithee, Wu, Bowers, Cook, Louderback, Moody, Rodríguez Ramos

4 nays — J. Jones, Little, Money, Virdell

SENATE VOTE: On final passage (April 28) — 26-5

WITNESSES: None (*Considered in formal meeting on May 6*)

BACKGROUND: Under Penal Code sec. 22.02(b), the offense of aggravated assault is a first-degree felony if a person is in a motor vehicle and knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle, is reckless as to whether the habitation, building, or vehicle is occupied, and in discharging the firearm, causes serious bodily injury to another person.

Concerns have been raised that current law does not adequately address road rage incidents in which a firearm is discharged while an individual is en route to or from a motor vehicle or when the shooter does not strike another person.

DIGEST: SB 3031 would amend Penal Code sec. 22.02(b) to establish that, in addition to existing offenses, aggravated assault would be a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to $10,000) if the person was inside of or directly en route to or from a motor vehicle, knowingly discharged a firearm, and, in discharging the firearm caused bodily injury to any person or damage to any property or placed any person in fear of imminent serious bodily injury.

The bill would take effect on September 1, 2025.

SUBJECT: Establishing essential knowledge and skills on communist regimes

COMMITTEE: Public Education — favorable, without amendment

VOTE: 10 ayes — Buckley, Bernal, Ashby, Cunningham, Frank, Hunter, Kerwin, Leach, Leo Wilson, Schoolcraft

4 nays — Allen, Bryant, Dutton, Hinojosa

1 absent — Talarico

SENATE VOTE: On final passage (March 26) — 28 – 3

WITNESSES: For — (*Registered, but did not testify*: Cindi Castilla, Texas Eagle Forum; Christianna Brown, Julie McCarty, Fran Rhodes, True Texas Project; Ethan Ellisor; Brita Treat)

Against — Elva Mendoza; Sophia Mirto (*Registered, but did not testify*: Nick Hudson, American Civil Liberties Union of Texas; Somprathana Kongdara, Asian Texans for Justice; Robert Norris, Grandparents for Public Schools; Kirsten Budwine, Texas Civil Rights Project; Levi Fiedler, Felicia Martin, Texas Freedom Network; and 51 individuals)

On — (*Registered, but did not testify*: Monica Martinez, Texas Education Agency; Yaseen Tasnif)

BACKGROUND: Some have suggested that educating students about the oppressive nature and history of communist regimes in contrast with the founding principles of the United States would help foster critical thinking and counter the normalization of communism.

DIGEST: SB 24 would require the State Board of Education (SBOE) to adopt essential knowledge and skills for the social studies curriculum of fourth through 12th grade that developed students' understanding of communist regimes and ideologies, and included age-appropriate and developmentally appropriate instruction with information on:

- the history of and tactics used by communist movements in the United States;
- certain historical events and atrocities attributable to communist regimes;
- a comparative analysis of the ideologies of communism and totalitarianism contrasted with the United States' founding principles of freedom and democracy;
- a comparative analysis of collectivist ideologies contrasted with the United States' founding principles of individual rights, merit-based achievement, and free enterprise;
- modern threats to the United States and its allies posed by communist regimes and ideologies;
- common economic, industrial, and political events that historically preceded communist revolutions;
- the evolution of communist ideologies from economic, class-based theories into broader cultural movements that divided societies and maintained collective control over individual rights;
- common historical and modern methods used to spread communist ideologies; and
- first-person accounts from the victims of communist regimes.

In adopting the essential knowledge and skills required by the bill, SBOE would have to adopt and publish standards for the required instruction and seek input from victims of communism and nationally recognized organizations dedicated to commemorating victims of communism. SBOE could incorporate material from existing education programs that provided instruction on the topic of communist regimes and ideologies.

By July 31, 2026, SBOE would be required to review and revise the essential knowledge and skills required by the bill.

SB 24 would apply beginning with the 2026-2027 school year and would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Prohibiting the use of SNAP benefits to purchase sweetened soft drinks

COMMITTEE: Human Services — committee substitute recommended

VOTE: 9 ayes — Hull, Manuel, A. Davis, Dorazio, C. Morales, Richardson, Schatzline, Slawson, Swanson

2 nays — Noble, Rose

SENATE VOTE: On final passage (March 31) — 24 - 6

WITNESSES: None

BACKGROUND: Concerns have been raised that current law allows SNAP benefits to be used to purchase products with little nutritional value that may contribute to the state's obesity epidemic.

DIGEST: CSSB 379 would prohibit a SNAP recipient from using those benefits to purchase a sweetened soft drink. The bill would define a "sweetened soft drink" as a nonalcoholic beverage made with carbonated water that contains five grams or more of added sugar or artificial sweeteners, not including a beverage that contains:

- milk or milk products;
- soy, rice, or similar milk substitutes;
- or more than 50 percent of vegetable or fruit juice by volume.

If a state agency determined that a waiver or authorization from a federal agency was necessary to implement the bill, the agency would be required to request the waiver and could delay implementation until the waiver or authorization was granted.

The bill would take effect September 1, 2025.

SUBJECT: Reclassifying employees of the Office of Inspector General of TJJD

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Smithee, Wu, Bowers, Cook, J. Jones, Louderback, Moody, Rodríguez Ramos, Virdell

2 nays — Little, Money

SENATE VOTE: On final passage (April 10) — 30 - 0

WITNESSES: For — (*Registered, but did not testify*: Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Joe Morris, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers' Union; Anthony Kivela, Houston Police Retired Officers Association)

Against — None

On — (*Registered, but did not testify*: Daniel Guajardo, Texas Juvenile Justice Department - Office of Inspector General)

BACKGROUND: Some have suggested that the personnel of the Office of Inspector General of the Texas Juvenile Justice Department (TJJD), who have all the powers and duties afforded to peace officers under state law, should be compensated accordingly and allowed to receive hazardous duty pay.

DIGEST: SB 1171 would require, rather than authorize, the Texas Juvenile Justice Department (TJJD) to include hazardous duty pay in compensation paid for services rendered during a month if the individual was an investigator, inspector general, security officer, or apprehension specialist employed by the Office of Inspector General of TJJD. The bill also would extend the application of provisions regarding injury leave for certain peace officers to these personnel.

SB 1171 would require TJJD to ensure that a peace officer commissioned by the Office of Inspector General was compensated according to Schedule C of the position classification salary schedule prescribed by the

General Appropriations Act. The bill would include TJJD in the definition of law enforcement agency.

The bill would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of $999,186 to general revenue related funds through the biennium.

SUBJECT: Excepting fiber-optic cable projects from certain notice requirements

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 15 ayes — King, Hernandez, Anchía, Darby, Y. Davis, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Raymond, Smithee, Thompson, Turner

0 nays

SENATE VOTE: On final passage (March 24) — 30 - 0

WITNESSES: None

BACKGROUND: Natural Resources Code sec. 191.0525 requires that the Texas Historical Commission (THC) be notified before a person breaks ground on a project on state or local public land, subject to exemptions for certain activities. THC must determine whether:

- a historically significant archeological site is likely to be present;
- additional action is needed to protect the site; and
- an archeological survey is necessary.

Concerns have been raised that while fiber-optic cables for broadband projects are often installed in areas where land has already been disturbed by road construction and has little chance of damaging archeological sites, broadband providers have been required to conduct archaeological studies that delay projects and add costs. Some have suggested that such projects should be exempt from the requirement to notify THC before breaking ground.

DIGEST: SB 1121 would add the installation, maintenance, operation, replacement, and minor modification of buried fiber-optic cables in the right-of-way of an existing road to the activities exempted from notice requirements under Natural Resources Code sec. 191.0525.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Expanding rights for victims of family violence and related offenses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Smithee, Wu, Cook, J. Jones, Louderback, Money, Moody, Virdell

0 nays

3 absent — Bowers, Little, Rodríguez Ramos

SENATE VOTE: On final passage (April 7) — 30 - 0

WITNESSES: For — Jennifer Mudge, Texas Council on Family Violence; Audria Maltsberger (*Registered, but did not testify*: Clarice Cross, Asian Family Support Services of Austin; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); James Kershaw, Harris County Deputies' Organization FOP #39; Jim Grace, Houston Area Women's Center; Ray Hunt, Houston Police Officers' Union; Andrea Sparks, Not On Our Watch Texas; Carlos Ortiz and Adrian Martinez, San Antonio Police Officers Association; Bo Stallman, Sheriffs' Association of Texas; Jennifer Allmon, Texas Catholic Conference of Bishops; John Wilkerson, Texas Municipal Police Association (TMPA); Scott Rubin, Texas Police Chiefs Association; Desiree Ingram, Texas Women's Healthcare Coalition; Steven Deline; Derrell Maltsberger)

Against — None

On — (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Under Chapter 56A of the Code of Criminal Procedure, certain crime victims are afforded rights intended to ensure fairness and safety in the criminal justice process. These include rights to protection from harm or threats arising from cooperation with the prosecution, notification, and participation in court and parole proceedings. Victims of certain offenses, including sexual assault, stalking, trafficking, and indecent assault, also

have the right to confer with prosecutors on disposition decisions, such as plea agreements, rather than solely receiving notice of those decisions.

Concerns have been raised that victims of family violence do not currently have the rights of certain crime victims under Code of Criminal Procedure ch. 56A. Some have suggested that extending these rights to family violence victims could provide a sense of agency and voice in the legal process, potentially increasing victims' willingness to engage with the criminal justice system.

DIGEST:

SB 1120 would amend Chapter 56A of the Code of Criminal Procedure to expand the rights of certain crime victims to include victims of family violence. The bill would define "family violence" for purposes of the chapter to include certain offenses if committed against a dating partner, family member, or household member, including:

- continuous sexual abuse of a young child or disabled individual;
- indecency with a child involving sexual contact;
- assault;
- aggravated assault;
- sexual assault;
- aggravated sexual assault;
- injury to a child, elderly individual, or disabled individual; and
- continuous violence against the family.

The bill would amend the definition of "victim" to include a person who was the victim of family violence or stalking, as well as a person who was the victim of certain violations of protective orders or conditions of bond if the violation involved the commission of assault, aggravated assault, sexual assault, or stalking, regardless of whether the victim had a qualifying relationship with the defendant.

SB 1120 would establish new additional rights for victims of certain family violence offenses, stalking, and certain violations of specified protective orders or bond conditions. These victims, their guardians, or close relatives of a deceased victim would have the right, upon request, to receive information about any evidence collected during the investigation

of the offense and the status of any analysis being performed. If disclosure would interfere with the investigation or prosecution of the offense, then victims would have the right to be informed of the estimated date on which the information was expected to be disclosed. Victims also would have the right to be notified at the time a request was submitted to a crime laboratory to process and analyze evidence.

Victims would have the right to be informed about and confer with the state's attorney regarding the disposition of the offense, including a decision not to file charges, the dismissal of charges, the use of a pretrial intervention program, or a plea bargain agreement. They also would be entitled to notice that the state's attorney did not represent the victim.

A victim, guardian of a victim, or close relative of a deceased victim could designate a person, including an entity that provided services to victims of the applicable offenses, to receive any requested notice. To receive such notices, a victim, guardian, or close relative would be required to provide a current address, phone number, or email address to both the prosecutor and the law enforcement agency investigating the offense, and to update that information as necessary. The designated person could not be the person charged with the offense.

If a victim were entitled to rights under multiple provisions of Chapter 56A, the broader set of rights would control in the event of a conflict.

The bill would expand the existing requirement that the court consider the impact of a continuance requested by the defendant in cases involving certain offenses against victims under age 17 or in cases involving family violence, to also apply to an offense of aggravated assault. The bill also would specify that a person designated to receive notices on behalf of a victim of sexual assault, incident assault, or trafficking could not be the person charged with the offense.

The bill would take effect September 1, 2025.

SUBJECT: Revising requirements for uranium mining production area authorizations

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 11 ayes — Harris, Martinez, Ashby, Barry, Buckley, Fairly, Gámez, J. Garcia, M. González, Romero, Villalobos

0 nays

2 absent — C. Bell, Zwiener

SENATE VOTE: On final passage (March 20) — 29 – 0

WITNESSES: None (*Considered in a formal meeting on April 24)*

BACKGROUND: Water Code sec. 27.0513(d) establishes that an application for an authorization of the construction or operation of two or more similar injection wells within a specified area for uranium mining is an uncontested matter not subject to a contested case hearing or the hearing requirements of the Administrative Procedure Act, if:

- the authorization is for a production zone located within the boundary of a permit that incorporates a range table of groundwater quality restoration values used to measure groundwater restoration by the Texas Commission on Environmental Quality (TCEQ);
- the application includes groundwater quality restoration values falling at or below the upper limit of this range; and
- the authorization is for a production zone located within the boundary of a permit that incorporates groundwater baseline characteristics of the wells for the application.

Some have suggested that additional regulatory certainty is needed in TCEQ's permitting process for uranium recovery and mining, particularly for the permitting of production area authorizations.

DIGEST:

CSSB 1061 would require the Texas Commission on Environmental Quality (TCEQ), for the purposes of issuing injection well permits for uranium mining, to prioritize the conservation of regional groundwater supplies when reviewing an application to amend a restoration table value.

The bill also would amend Water Code sec. 27.0513(d) to specify that an application to amend a TCEQ authorization that allowed a permit holder to conduct mining and restoration activities in production zones within the boundary established in the permit would be an uncontested matter not subject to a contested case hearing in the same manner as an application for an authorization.

The bill would replace references to a production zone with references to a production area in the criteria for an authorization or amendment to be an uncontested matter. The bill would revise the criteria for such an authorization or amendment to be an uncontested matter by specifying that the incorporation of the range table of groundwater quality restoration values in the production area and the inclusion in the application of the values falling at or below the upper limit of the range was for each production zone addressed in the application.

The bill would add the condition for an authorization or amendment to be an uncontested matter that, within 30 days after TCEQ determined the application to be administratively complete, TCEQ would have to mail notice of the receipt of the application to:

- the owners of the surface of the tract of land on which the existing or proposed production area was or would be located and the owners of the surface of the tracts of land adjacent to this land;
- the owners of mineral rights underlying the tract of land on which the existing or proposed production area was or would be located and the owners of mineral rights underlying the tracts of land adjacent to this land; and
- any groundwater conservation district established in the county in which the existing or proposed production area was or would be located.

CSSB 1061 would repeal provisions related to contested case hearings for first application and subsequent applications for authorization, as well as requirements for the first application for an authorization.

The bill would take effect September 1, 2025.

SUBJECT: Establishing the Residential Solar Retailer Regulatory Act

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 13 ayes — King, Hernandez, Anchía, Darby, Y. Davis, Geren, Guillen, McQueeney, Metcalf, Phelan, Raymond, Thompson, Turner

1 nay — Hull

1 absent — Smithee

SENATE VOTE: On final passage (April 7) — 22 - 8

WITNESSES: For — Sarah Ramon, Roofing Contractors Association of Texas; Ann Baddour, Texas Appleseed; Mark Stover, Texas Solar & Storage Association (*Registered, but did not testify*: Stephanie Mace, AARP Texas; Zanir Ali, CPS Energy; Scott Hutchinson, Entergy Texas; CJ Tredway, Independent Electrical Contractors of Texas; Daniel Giese, Solar Energy Industries Association; Taylor Kilroy, Texas Public Power Association)

Against — None

On — Doug Jennings, TDLR

BACKGROUND: Some have suggested that requiring registration, disclosures, and enforcement mechanisms for residential solar panel sales could help prevent predatory practices targeting Texans, while still supporting growth in the solar industry through increased consumer trust and transparency.

DIGEST: SB 1036 would establish the Residential Solar Retailer Regulatory Act.

Registration. The bill would require individuals to be registered as solar salespersons and work on behalf of a registered solar retailer to engage in residential solar retail, and would prohibit a person from employing or

contracting individuals for such services unless registered as a solar retailer.

To be eligible for registration under the bill, a person would be required to submit an application to the Texas Department of Licensing and Regulation (TDLR), pay required fees, and meet the eligibility requirements and rules adopted under the bill.

An application to register as a solar retailer would be required to include a list of each of the retailer's controlling persons, if the retailer was an entity, the names and registration numbers of associated solar salespersons, and proof of insurance as required by the Texas Commission of Licensing and Regulation (TCLR) rule. Solar retailers could not be required to complete continuing education requirements for registration renewal.

TDLR could conduct criminal background checks on applicants and their controlling persons using information provided by the applicant and made available to TDLR by law enforcement.

Practice by registrants. Under the bill, a solar retailer would be required to promptly notify TDLR in a manner prescribed by TDLR of each solar salesperson authorized to engage in residential solar retail on behalf of the solar retailer as well as any change in an authorization.

A solar retailer would be required to provide reasonable supervision to each solar salesperson authorized to engage in residential solar retail on behalf of the solar retailer, including making reasonable efforts to correct any violation of or rule adopted under the bill that the solar retailer was aware of or of which a reasonable person under the same circumstances would be aware. A solar retailer would be responsible for any violation committed by a solar salesperson engaging in residential solar retail on behalf of the solar retailer.

A solar retailer and a solar salesperson would be required to comply with any code of conduct adopted by TCLR rule governing solar retailers or solar salespersons, as applicable, and relevant state and federal law specified by the bill.

Registration information. On request by TDLR or a person to whom a solar retailer or solar salesperson had offered to sell or lease, or had sold or leased, a residential solar energy system, the applicable solar retailer or solar salesperson would be required to provide TDLR or person with the retailer's or salesperson's name and registration number. These requirements would apply to an electrical contractor or individual acting on their behalf.

A solar retailer also would be required to ensure that each agreement for the sale or lease of a residential solar energy system by the retailer included the name and registration number of the retailer and the solar salesperson involved in the transaction.

Required contract provisions. If the sale or lease of a residential solar energy system involved the installation of the system at a person's residence, the sale or lease agreement would have to:

- provide that the installation of the residential solar energy system would be performed by an electrical contractor;
- conspicuously state the name and license number of the electrical contractor who would perform the installation; and
- provide that the solar retailer or electrical contractor, as applicable, would obtain any permit required by a government entity for the installation, if provisions relating to interconnection of distributed renewable generation applied, the approval by the electric utility serving the person's residence of the interconnection of the residential solar energy system, and, if the person was a customer of an electric cooperative or a municipally owned utility, the cooperative's or utility's approval of the interconnection of the residential solar energy system.

The requirement to conspicuously state the name and license number of the electrical contractor who would perform the installation could be satisfied by providing a list of electrical contractors in the agreement from which one would have to be selected to perform the installation.

If the sale or lease of a residential solar energy system involved a third-party lender that was affiliated with or referred by the solar retailer, the sale or lease agreement would have to include a provision requiring the third-party lender to cancel any accompanying loan made by the third-party lender to the buyer or lessee on the buyer's or lessee's cancellation of the agreement under the bill.

Right to cancel agreement. A solar retailer would be required to allow a buyer or lessee to cancel a residential solar agreement without penalty within five business days of signing by submitting written notice. The agreement would have to clearly state the cancellation deadline and include an address for sending the notice. If the address was missing from the agreement, cancellation could be made by any reasonable method.

TDLR powers and duties. The bill would require TDLR to administer and enforce the bill, and would direct TCLR to adopt rules needed to administer and enforce the bill. TCLR would be required to consult the Office of Consumer Credit Commissioner in adopting certain rules to ensure compliance with federal and state law governing financial transactions, including the Truth in Lending Act.

TCLR would be required to establish and collect reasonable and necessary fees in amounts sufficient to cover the costs of administering the bill and any other activity or function necessary for effective regulation under the bill.

Educational materials. The Public Utility Commission of Texas (PUC) would be required to develop, in consultation with TDLR and the Office of the Attorney General, educational materials that inform consumers of the consumers' rights and remedies related to the purchase or lease of residential solar energy systems under the bill and other applicable laws. TCLR, by rule, could require solar retailers and solar salespersons, when engaging in residential solar retail, to provide solicited persons with the educational materials.

Work group. After the bill’s effective date, TDLR would have to promptly establish and lead a stakeholder work group to advise on the new regulatory activities, determining its size, composition, and scope.

Enforcement. The bill would prohibit a person from:

- intentionally, knowingly, or recklessly making a false, misleading, or deceptive oral or written statement to another person when engaging in residential solar retail;
- falsely stating or implying an affiliation with a public utility or government agency when engaging in residential solar retail;
- failing to provide the disclosure statements or any educational materials as required by the bill and provisions relating to sales and leasing of distributed renewable generation resources, or by TCLR rule when engaging in residential solar retail;
- engaging in residential solar retail at a residence in violation of posted signage indicating that soliciting was prohibited, unless otherwise directed by an occupant of the residence;
- allowing the installation of a residential solar energy system to be performed by a person who was not an electrical contractor;
- making a material misrepresentation in an application or in any other document submitted to TDLR under the bill; or
- violating, attempt to violate, or conspire to violate the bill or a rule adopted under the bill.

The TDLR executive director could deny or refuse to renew a registration if the applicant, or a controlling person, violated the bill, related rules or orders, or had been disciplined, suspended, or revoked by a licensing authority in Texas or another state.

In imposing an administrative penalty for a violation under the bill, TCLR in determining the appropriate amount of the penalty could consider whether any individual over the age of 65 at the harmed by the conduct.

Before imposing penalties, the TDLR executive director could issue a warning letter requiring corrective action. This decision would not be a contested case. The TDLR executive director also could issue cease and desist orders to protect public health and safety.

Civil penalties could not exceed $2,500 per violation or $50,000 total for similar violations, and would increase to $10,000 per violation or $100,000 total if the violation harmed someone over age 65.

Agreement cancellation and refund. Under the bill, TCLR or the TDLR executive director could, after notice and a hearing, order the cancellation of a residential solar agreement and a refund of any amounts paid, if a violation of the bill or related rules were found.

The bill would not authorize TCLR or the TDLR executive director to impose or collect fines, penalties, or other damages, except that a proceeding could be combined with an administrative penalty or sanction case, which would constitute a contested case. These provisions would not prevent an injured party who received a refund from pursuing additional damages or equitable relief in court under other applicable laws.

Violation by electrical contractor. An electrical contractor who violated the bill or a rule adopted under the bill would be subject to an administrative penalty or sanction or any other enforcement provision under relevant provisions and the bill.

Other provisions. If an electrical contractor employed an individual to engage in residential solar retail on the contractor's behalf, the contractor and the individual employed would be exempt from the bill's registration and insurance requirements applicable to solar retailers, except that any agreement in which the contractor was the seller or lessor would be subject to the bill's required contract and cancellation provisions.

The bill would not apply to a written agreement entered into in the state for the sale or lease of a residential solar energy system and pertaining to a residential property located outside the state or a solar energy system:

- intended for temporary or emergency use or to provide power to a single appliance
- that, if combined with other electrical systems, produced in combination with the other systems a total peak output power of less than one kilowatt or, if not combined with other systems, was

designed to produce a peak output power of less than one kilowatt; or

- that was sold or leased for commercial purposes, including a solar energy system installed on the premises of a nonresidential property, to provide power to a multifamily dwelling that exceeded four dwelling units or stories, before September 1, 2025, or in connection with new residential construction.

The bill would apply to any residential solar retail occurring in Texas in connection with a written agreement described by these provisions.

To the extent of any conflict in statute, the bill would prevail over a municipal ordinance regulating the same conduct or over certain applicable provisions of the Business & Commerce Code.

The bill would take effect September 1, 2025.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of $233,095 to general revenue related funds through the biennium.

SUBJECT: Expanding hearsay admissibility in certain juvenile proceedings

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 11 ayes — Smithee, Wu, Bowers, Cook, J. Jones, Little, Louderback, Money, Moody, Rodríguez Ramos, Virdell

0 nays

SENATE VOTE: On final passage (March 27) — 30 - 0

WITNESSES: For — Rachael Carrico, Criminal District Attorney John Creuzot (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; James Kershaw, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; Andrea Sparks, Not On Our Watch Texas; Carlos Ortiz, San Antonio Police Officers Association; Adrian Martinez, SAPOA; Bo Stallman, Sheriffs' Association of Texas; John Wilkerson, Texas Municipal Police Association; Thomas Parkinson)

Against — None

BACKGROUND: In 2023, the 88th Texas Legislature enacted SB 1527, which expanded the age range for child victims eligible to have outcry witness testimony admitted in criminal proceedings involving sexual, assaultive, or trafficking offenses. The bill applied to victims younger than 18 years of age. Some have suggested that certain provisions of the Family Code governing juvenile proceedings should be updated to reflect the same age threshold as the Code of Criminal Procedure and to conform the definition of "person with a disability" to Penal Code provisions.

DIGEST: SB 1019 would amend Family Code sec. 54.031, governing the admissibility of hearsay statements in certain juvenile proceedings, to raise the age of an alleged child victim to which the statute applied from 12 years of age or younger to 18 years of age or younger. The bill also would remove the definition of "person with a disability" established in

the Family Code, instead providing that the term would have the same meaning as “disabled individual,” as defined in Penal Code sec. 22.04.

The bill would take effect September 1, 2025.

SUBJECT: Expanding eligibility for expedited concealed carry license for judges

COMMITTEE: Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment

VOTE: 8 ayes — Hefner, R. Lopez, Canales, Dorazio, Holt, Isaac, Louderback, McLaughlin

0 nays

3 absent — Cortez, Hickland, Pierson

SENATE VOTE: On final passage (March 12) — 28 - 3

WITNESSES: None (*Considered in a formal meeting on April 24*)

BACKGROUND: Under Government Code sec. 411.201, active judicial officers eligible for an expedited handgun license include judges of the Texas Supreme Court, the Court of Criminal Appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court. Retired judges of certain of these courts also qualify, but statutory probate judges are not included.

Some have suggested that active and retired statutory probate judges should be eligible for the same expedited licensing process as other Texas judges and justices.

DIGEST: SB 890 would amend Government Code sec. 411.201 to add active statutory probate judges and retired visiting judges of the statutory county or a statutory probate court to the list of judicial officers eligible for an expedited license to carry a handgun.

SB 890 would take effect September 1, 2025.

SUBJECT: Authorizing public school period for prayer and religious texts reading

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 10 ayes — King, Darby, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Raymond, Smithee

3 nays — Anchía, Thompson, Turner

2 absent — Hernandez, Y. Davis

SENATE VOTE: On final passage (March 18) — 23 - 7

WITNESSES: For — Vanessa Sivadge, Protecting Texas Children; Jonathan Covey, Texas Values; Daniel Hunt; Jake Wilson (*Registered, but did not testify*: Addie Crimmins, ADF Action; Cindy Asmussen, Southern Baptists of Texas Convention; Cindi Castilla, Texas Eagle Forum; Mary Elizabeth Castle, Texas Values; Megan Benton, Texas Values Action; Michelle Evans, Williamson County Republican Party; Ashley Fordinal)

Against — Andrew Hendrickson, ACLU of Texas; Jody Harrison, Texas Impact; Michelle Venegas-Matula, Texas Unitarian Universalist Justice Ministry; Kevin Hale, The Libertarian Party of Texas (*Registered, but did not testify*: Shelton Green, Fellowship Southwest; Chloe Latham Sikes, Intercultural Development Research Association (IDRA); Nicole Malone, National Association of Social Workers -Texas Chapter; Amber Jones, Texas AFL-CIO; Osman Moradel, Texas AFT; Amanda Afifi, Texas Association of School Psychologists (TASP); Marti Bier and Carisa Lopez, Texas Freedom Network; Grace Bonilla, Texas Impact; James Hallamek, Texas State Teachers Association; Erin Walter, Texas Unitarian Universalist Justice Ministry; and 12 individuals)

On — Steve Swanson

BACKGROUND: Some have suggested that voluntary religious activity in public schools is constitutionally protected if it does not coerce participation or disrupt the school environment.

DIGEST:

SB 11 would authorize a school district's board of trustees or a charter school's governing body that was not operated by or affiliated with a religious organization to, by record vote on a resolution, adopt a policy requiring every campus to provide students and employees with an opportunity to participate in a period of prayer and reading of the Bible or other religious text on each school day. The bill would prescribe the text for a resolution to adopt such a policy. A policy adopted under the bill would have to:

- prohibit a student or employee of the district or charter school from being permitted to participate in the period of prayer and religious text reading unless the employee or the student's parent or guardian submitted to the district or charter school a signed consent form that included an express waiver of the person's right to bring a claim under state or federal law arising out of the adoption of the policy;
- prohibit the provision of a prayer or religious text reading over a public address system; and
- specify that a period of prayer or religious text reading could not be a substitute for instructional time.

No later than six months after the bill's effective date, each school district's board of trustees and charter school's governing body would be required to take a record vote on whether to adopt such a resolution.

An employee or student's parent or guardian could revoke consent by informing the appropriate school administrator, as designated by the district or charter school. An employee or student for whom consent had been revoked would remain bound by the express waiver and could not participate in the period of prayer and religious text reading until a new consent form was submitted.

A policy adopted under the bill would be required to include provisions ensuring a prayer or religious text reading would not be provided in the physical presence of, within hearing of, or in a manner which would constitute an injury in fact with the meaning of the U.S. or Texas Constitution on a person for whom a signed consent form had not been

submitted or had been revoked. A policy could require that the period of prayer and religious text reading be provided:

- before normal school hours;
- only in classrooms or other areas in which a consent form had been submitted for every employee and student; or
- by any other method recommended by the attorney general or legal counsel for the district or charter school.

The attorney general, on request from a school board or charter school governing body, would be required to:

- provide advice on best methods for a district or school to comply with the bill;
- provide a model consent form; and
- defend the district or charter school in a cause of action arising out of the adoption of a policy under the bill,

If the attorney general defended a school district or charter school, the state would be liable for the expenses, costs, judgments, or settlements of the claims arising out of the representation. The attorney general could settle or compromise any and all claims under the bill. The state could not be liable for any expenses, costs, judgments, or settlements of any claims arising out of the adoption of such a policy against a district or charter school not being represented by the attorney general.

Regardless of whether a school district's board of trustees or a charter school's governing body adopted a policy, the bill would not prohibit a student or employee from participating in prayer or religious text reading during a period of the school day that was not designated as a period of prayer or religious text reading.

The bill would remove language in the Education Code prohibiting a person from encouraging a student to engage in or refrain from individually, voluntarily, or silently praying or meditating during any school activity.

The bill would apply beginning with the 2025-2026 school year and would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined due to the bill's costs being dependent on the number of schools that adopt a policy which would ultimately request representation by the attorney general in a cause of action arising out of the adoption of the policy.

SUBJECT: Allocating certain appropriated fire relief funds to high-risk wildfire areas

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 24 ayes — Bonnen, M. González, Barry, DeAyala, Fairly, Garcia Hernandez, Gervin-Hawkins, Harrison, Howard, V. Jones, Kitzman, J. Lopez, Lujan, Manuel, Martinez, Oliverson, Orr, Rose, Simmons, Slawson, Tepper, Villalobos, Walle, Wu

0 nays

3 absent — Collier, Goodwin, Lozano

SENATE VOTE: On final passage (April 9) — 30 - 0

WITNESSES: None

BACKGROUND: Concerns have been raised about the need for targeted support for rural volunteer fire departments in areas at high risk for wildfires. Some have suggested requiring that a portion of certain appropriations be directed to these high-risk regions to improve wildfire response capacity.

DIGEST: SB 868 would require that at least 10 percent of the appropriations for a state fiscal year from the Volunteer Fire Department Assistance Fund for the purpose of assisting volunteer fire departments under the program be allocated to departments in areas of the state that the Texas Forest Service of The Texas A&M University System had classified as high-risk for wildfires. If the amount of assistance required in a state fiscal year was less than the amount allocated, the remaining amount may be used for other types of assistance requests.

The bill would take effect September 1, 2025.

SUBJECT: Establishing electronic health records provisions regarding biological sex

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — King, Darby, Geren, Hull, McQueeney, Metcalf, Raymond, Smithee

4 nays — Anchía, Y. Davis, Thompson, Turner

3 absent — Hernandez, Guillen, Phelan

SENATE VOTE: On final passage (April 7) — 23 - 7

WITNESSES: None

BACKGROUND: Health and Safety Code sec. 181.001(b)(2) defines "covered entity" for the purposes of medical records privacy provisions as any person who:

- for commercial, financial, or professional gain, monetary fees, or dues, or on a cooperative, nonprofit, or pro bono basis, engages in the practice of assembling, collecting, analyzing, using, evaluating, storing, or transmitting protected health information;
- comes into possession of protected health information;
- obtains or stores protected health information; or
- is an employee, agent, or contractor of a person described above, insofar as the employee, agent, or contractor creates, receives, obtains, maintains, uses, or transmits protected health information.

Concerns have been raised that some electronic medical record systems have limited parental access to a child's medical records, that these records can be vulnerable to exposure or misinterpretation, and that current statute lacks sufficient safeguards around Texans' medical records.

DIGEST: SB 1188 would establish certain provisions on electronic health records, including the responsibilities of covered entities under current provisions on medical records privacy and documentation related to biological sex and sexual development disorders.

Definitions. The bill would include a health care practitioner as a "covered entity" under Health and Safety Code sec. 181.001(b)(2). The following entities would not be covered entities under the bill:

- a licensed home and community support services agency;
- a licensed nursing facility;
- a continuing care facility;
- a licensed assisted living facility;
- a licensed intermediate care facility;
- a licensed day activity and health services facility; or
- a provider under the Texas Home Living or Home and Community-Based Services Waiver Program.

The bill would define "female" as an individual whose reproductive system was developed to produce ova and "male" as an individual whose reproductive system was developed to produce sperm.

A "sexual development disorder" would mean a congenital condition associated with atypical development of internal or external genital structures. The term would include a chromosomal, gonadal, and anatomic abnormality.

Documentation of biological sex on health records. The Health and Human Services Commission (HHSC), Texas Medical Board (TMB), and Texas Department of Insurance (TDI) would be required to jointly ensure that:

- each electronic health record prepared or maintained by a covered entity included a separate space for the entity to document an individual's biological sex as either male or female based on the individual's observed biological sex recorded by a health care practitioner at birth and information on any sexual development disorder of the individual, whether identified at birth or later in the individual's life; and
- any algorithm or decision assistance tool included in an electronic health record to assist a health care practitioner in making medical treatment decisions included an individual's biological sex as recorded in the space described above.

This provision would not prohibit an electronic health record from including spaces for recording other information related to an individual's biological sex or gender identity.

Powers and duties of covered entities. A covered entity could amend on an electronic health record an individual's biological sex as recorded in the space described above only if the amendment was to correct a clerical error or the individual was diagnosed with a sexual development disorder and the amendment changed the individual's listed biological sex to the opposite biological sex. If a covered entity amended an individual's biological sex, the covered entity would be required to include in the individual's electronic health record information on the individual's sexual development disorder in the designated space on the individual's health record.

SB 1188 would require covered entities to:

- ensure each electronic health record system the entity used to store electronic health records of minors allowed a minor's parent, managing conservator, or guardian to obtain complete and unrestricted access to the minor's electronic health record immediately upon request, unless access to all or part of the record was restricted under state or federal law or by a court order;
- ensure that the electronic health record information of the state's residents, other than open data, was accessible only to individuals requiring the information to perform duties within the scope of their employment related to treatment, payment, or health care operations;
- implement reasonable and appropriate administrative, physical, and technical safeguards to protect the confidentiality, integrity, and availability of electronic health record information;
- ensure each electronic health record maintained for an individual included the option for a health care practitioner to collect and record communications between two or more covered entities related to the individual's metabolic health and diet in the treatment of a chronic disease or illness; and

- ensure that electronic health records under the control of the entity that contained patient information were physically maintained in the United States or a U.S. territory.

A covered entity could not collect, store, or share any information regarding an individual's credit score or voter registration status in the individual's electronic health record.

Certain provisions related to maintenance of records in the United States, access to health record information, and safeguards for the protection of electronic health record information would apply to the storage of an electronic health record on or after January 1, 2026, regardless of the date on which the record was prepared.

Violations. HHSC or the appropriate regulatory agency would be required to conduct an investigation of any credible allegation of a violation of the bill by a covered entity. The appropriate regulatory agency could take disciplinary action against a covered entity that violated the bill three or more times in the same manner as if the covered entity violated an applicable licensing or regulatory law. The disciplinary action could include license, registration, or certification suspension or revocation for a period determined appropriate.

The attorney general could institute an action for injunctive relief to restrain a relevant violation and an action for civil penalties against a covered entity for a violation of the bill. An applicable civil penalty could not exceed:

- $5,000 for each violation that was committed negligently in a single year, regardless of how long the violation continued during that year;
- $25,000 for each violation that was committed knowingly or intentionally in a single year, regardless of how long the violation continued during that year; or
- $250,000 for each violation in which the covered entity knowingly or intentionally used protected health information for financial gain.

Artificial intelligence. The bill would require a health care practitioner who used artificial intelligence for diagnostic purposes to review all records created with artificial intelligence to ensure that the data was accurate and properly managed. The practitioner would have to disclose use of such technology to patients.

General provisions. The HHSC executive commissioner, TMB, TDI, the Texas Department of Licensing and Regulation, and each regulatory agency subject to the bill would be required to enter into a memorandum of understanding and, as necessary, adopt rules to implement the bill.

If a state agency determined that a waiver or authorization from a federal agency was necessary to implement the bill, the agency would be required to request the waiver and could delay implementation until the waiver or authorization was granted.

The bill would take effect September 1, 2025.

SUBJECT: Revising licensing regulations for professional employer organizations

COMMITTEE: Licensing & Administrative Procedures — favorable, without amendment

VOTE: 13 ayes — Phelan, Thompson, Gerdes, Geren, Harless, Harris, Hernandez, Longoria, McQueeney, Patterson, M. Perez, Romero, Walle

0 nays

SENATE VOTE: On final passage (April 10) — 30 - 0

WITNESSES: For — (*Registered, but did not testify*: Steven Deline)

Against — None

On — (*Registered, but did not testify*: Doug Jennings, TDLR)

BACKGROUND: Concerns have been raised that a lack of regulatory clarity regarding the status of a professional employer organization that fails to renew its license on time can lead to inconsistencies in hearings and enforcement and uncertainty about whether the organization remains a co-employer.

DIGEST: SB 1254 would revise certain licensing and enforcement requirements applicable to professional employer organizations. The bill would amend the definition of "license holder" for the purposes of provisions relating to professional employer organizations to mean a person holding a license issued by the Texas Department of Licensing and Regulation (TDLR), rather than a person licensed under the Labor Code chapter on professional employer organizations, to provide professional employer services.

If a license holder failed to timely apply for a license renewal, the license holder's status as an employer of a covered employee would continue for 18 months after the license expired. If the license holder failed to apply for license renewal within that period, the license holder's status as an employer of a covered employee would terminate, and the license holder

would be subject to disciplinary action if the license holder engaged in or offered professional employer services while the license was expired.

The bill also would amend TDLR's authorization to take disciplinary action to specify that TDLR could take action against a person under Occupations Code provisions relating to TDLR administrative penalties, regardless of whether a person held a license. The bill would expand the grounds on which TDLR could take disciplinary action to include engaging in or offering to engage in the provision of professional employer services while the person's license was expired, suspended, or inactive.

The bill would require TDLR to renew a license in accordance with Occupations Code provisions related to TDLR license requirements and the rules adopted by the department, rather than on receipt of a complete renewal application form and payment of the applicable fee.

The bill would take effect September 1, 2025.