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Public Safety

Bullet-resistant windshield installation on Texas Highway Patrol vehicles almost complete

[May 21](#)—The [Texas Department of Public Safety](#) (DPS) is on its way to finishing the installation of bullet-resistant windshields on black and white patrol vehicles used by the [Texas Highway Patrol](#) (THP). State legislators authorized one-time funding to install the bullet-resistant glass through [SB 2222](#) by Nelson during the 87th Legislature in 2021, when the number of troopers injured or killed in the line of duty began to rise. THP has less than 500 vehicles left to upgrade, but the need for future upgrades may be ongoing as DPS replaces and retires vehicles.

THP reported that between 2017 and 2021, five highway patrolmen were shot through their patrol unit's windshield. Two of those troopers died while the others survived after sustaining injuries. None of the vehicles involved had bullet-resistant windshields. Additionally, the National Fraternal Order of Police reported a record number of police officers shot in the line of duty in 2023, with 39 shot in Texas and 4 dying as a result.

Funding for THP operations is part of DPS's annual budget, but additional funding must be requested from the Legislature for emergent needs. With the passage of SB 2222, DPS received \$22 million for bullet-resistant glass on September 1, 2021. Since then more than 2,600 vehicles out of roughly 3,000 have been fitted with bullet-resistant front windshields, side glass, and door panels on the driver and front passenger side in DPS locations across the state. DPS anticipates installation will be complete by the end of May 2024.

According to THP, Texas is leading the nation as the first state to require the installation of bullet-resistant glass on highway patrol vehicles. The vehicles are being fit with

federally graded level 3A bullet-resistant glass. DPS states that this level of resistance will adequately protect the pursuit vehicle from virtually all handgun calibers without adding excessive weight to the car. A higher level glass could affect drivability and put officers at greater risk of an accident. The protective glass package is designed to prevent bullets fired at the vehicle from penetrating the trooper's windows or windshield, which could provide the trooper time to respond to the threat and allow the trooper to fire from inside the vehicle without completely shattering the glass.

While protecting officers confronted by a shooter is the primary goal of these protective measures, there are other benefits to vehicles outfitted with bullet-resistant materials according to THP. For example, in 2023 when a trooper crashed into a tractor-trailer while in pursuit and slid under the trailer, some suggested that the resistant windshield likely helped the vehicle better withstand the crush force, protecting the officer from any major injuries.

However, concerns have been expressed that the weight of the additional glass and side panels could slow down a vehicle in pursuit and hinder vehicle operation. There are also concerns that, if a reinforced vehicle is in an accident, the jaws of life may be needed to get the officer out, further endangering officers if they are unable to be removed from a vehicle quickly.

Supporters say the protective glass will save law enforcement officers who put their lives on the line to protect the public and recommend that the Legislature provides funding to allow all interested law enforcement agencies to install bullet-resistant glass in their pursuit vehicles.

—Donna Steward and Sumaiya Malik

Human Services, Public Health

Prescription drug importation programs gain traction among states

[May 3](#)—Some states, including Texas, are seeking relief from rapidly rising prescription drug costs by pursuing new strategies to ease the burden on state budgets, including prescription drug importation. On January 5, 2024, Florida was the first state to receive approval from the federal Food and Drug Administration (FDA) to import certain prescription drugs from Canada at a lower cost than the drug’s U.S. counterpart. The approval comes three years after the state submitted an initial application to and entered into negotiations with the FDA.

Federal regulations allow states to develop drug importation programs within [certain guidelines](#). All programs must be approved by the FDA and meet specific criteria related to drug safety, effectiveness, and labeling. Only Canadian drugs that have an FDA approved United States counterpart may be imported, allowing the FDA to directly compare drugs based on safety and effectiveness. As part of this process, states must establish a means to test imported drugs using the specified criteria, and then provide the test results to the FDA to confirm that each drug purchased from Canada meets the same safety and effectiveness standards as the approved U.S. counterpart.

In Texas, the 88th Legislature authorized a drug importation program through [HB 25](#) by Talarico. Under HB 25, the Health and Human Services Commission (HHSC) must develop the program and submit the required application to the FDA. The bill specifies that HHSC must contract with one or more prescription drug wholesalers and Canadian suppliers to import prescription drugs and provide cost savings to consumers in Texas.

The bill allows prescription drugs to be imported to Texas only if they meet the FDA’s standards for drug safety, effectiveness, misbranding, and adulteration. The importation also may not violate any federal patent laws. Certain drugs may not be imported, including controlled substances, biological products, infused drugs, intravenously injected drugs, drugs that are inhaled during surgery, or parenteral drugs.

Supporters of HB 25 said that the bill would improve health outcomes by increasing the affordability of prescription drugs and that patient safety would not decrease because drugs imported from Canada would have to meet FDA safety and effectiveness standards. Given that many prescription drugs and their ingredients are already manufactured outside of the United

States, they argued that importing drugs from Canada also would not create a significant safety risk.

Critics of HB 25 said that imported drugs are less safe than drugs manufactured in the United States due to differing regulations and that importing drugs would undermine confidence in the United States’ closed prescription drug system and high safety standards. Additionally, critics pointed to evidence that the Canadian government is opposed to exporting prescription drugs due to concerns that meeting increased demand in the United States could create limited supply in its own nation, and Canada has created restrictions that could make HB 25 ineffective. There were also concerns that importing drugs to Texas may not result in savings due to the cost of administering the program.

In December 2023, HHSC [released](#) a report with recommendations for next steps in implementing Texas’ prescription drug importation program, including working with experts to develop the application and reviewing additional resource needs.

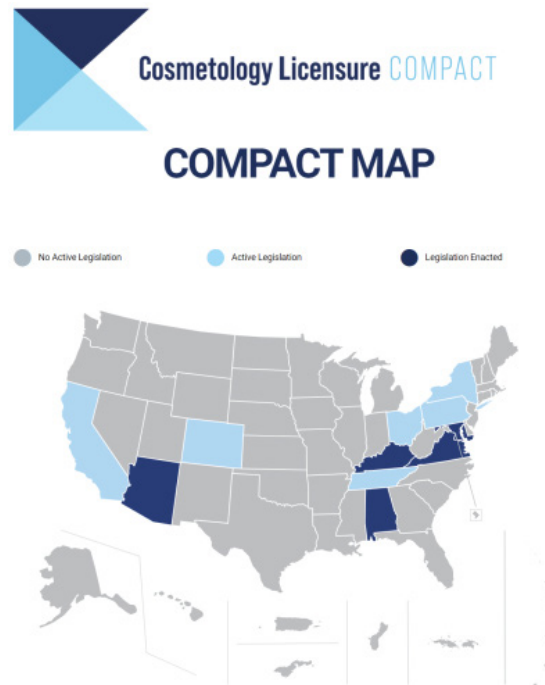
As the first state to receive federal approval for a drug importation plan, Florida has implemented a program that targets 14 drugs considered to be the most costly for state health programs and treats chronic illnesses such as HIV/AIDS, mental illness, and prostate cancer. The state estimates that the plan will save the state \$183 million in the first year of implementation and \$196 million in the second year for drug costs attributed to the Medicaid program, state hospitals and clinics, and prisons.

Colorado, Maine, New Hampshire, New Mexico, North Dakota, Vermont, and Wisconsin have passed similar legislation authorizing drug importation programs.

—*Chelsea Rose and Donna Steward*

General Government, Taxation

Proposed constitutional amendments on ballot in May election



Source: [The Council of State Governments, 2024](#)

[April 29](#)—Over the past decade, Texas has increasingly enrolled in interstate licensure compacts, allowing Texans in certain occupations to work across state lines. During the 88th legislative session, lawmakers debated joining additional occupational agreements.

A licensure compact is a program that facilitates the interstate practice of a certain occupation by providing for the mutual recognition of member state licenses. To participate in a licensure compact, a state must pass legislation, which typically includes the compact’s objectives and requirements, as well as the framework for a multistate data system.

Supporters of licensure compacts argue that making it easier for licensed providers to practice in multiple states is key to meeting the demand for important services, especially in rural communities and along state lines. For example, they highlight the substantial increase in telemedicine resources since the COVID-19 pandemic and say that licensing requirements have not been sufficiently updated to reflect this change, which compacts could address by explicitly allowing for teleservice across state lines. In addition, they say that licensure compacts can be especially beneficial for military families, who are highly

mobile and can more easily maintain licensure status after relocation with the help of these programs.

Supporters also say that compacts benefit state regulators by providing for centralized databases of disciplinary action records and reducing administrative costs while allowing the state’s standards of practice to remain in place. While critics of licensure compacts raise concerns that these programs could supersede state law, supporters point to provisions present in most compacts that specify that state law takes precedence over compact policies.

There are currently 15 licensure compacts active across the country and three in development, all of which are facilitated by the [Council of State Governments](#). Texas is a member of five occupational compacts:

- [Nurse Licensure Compact](#) (1999);
- [Emergency Medical Services \(EMS\) Compact](#) (2015);
- [Physical Therapy Compact](#) (2017);
- [Psychology Interjurisdictional Compact](#) (2019); and
- [Interstate Medical Licensure Compact](#) (2022).

During the 88th legislative session, nine House bills and four Senate bills were proposed on occupational compacts, including legislation that would enter Texas into interstate compacts for cosmetologists, counselors and therapists, physician assistants, dentists and dental hygienists, and registered nurses. The only occupational compact bill passed by both chambers of the 88th Legislature was [SB 1615](#), which would have entered Texas into the [Cosmetology Licensure Compact](#).

However, Gov. Abbott [vetoed](#) SB 1615 on May 19, 2023, saying, “Before ceding sovereign power over our state’s cosmetologists to a Cosmetology Licensure Compact Commission that does not yet exist, Texas should wait and see who joins this proposed interstate compact. There is simply no need to rush into such an arrangement, as evidenced by the fact that Senate Bill No. 1615 would not even go into effect until

2026.” The governor’s veto message also stated his support for occupational licensing reforms by highlighting bills he has signed in previous sessions and that he would be open to reconsideration of the cosmetology compact with the 89th Legislature.

Currently, Alabama, Arizona, Kentucky, Maryland, and Virginia are the only member states of the cosmetology compact, and six other states have pending legislation to join the interstate agreement. The compact will not go into full effect until there are seven member states.

—Abigail Jablon

Energy, General Government

Legislating new and emerging energy resources in Texas

[April 22](#)—In recent years, rapid population growth and concerns about grid reliability and environmental impact have driven demand for legislative support of energy innovation in Texas. Both state and federal lawmakers have developed policies regulating and advancing the development of alternative energy sources such as energy storage, advanced nuclear reactors, hydrogen fuel, and geothermal energy. Several bills were considered during the 88th legislative session on the development of new energy sources, and the 89th Legislature also could consider proposals on innovative energy generation. This interim, the Senate Business and Commerce Committee [is charged](#) with exploring and recommending policies on these emerging technologies to add new dispatchable power to the grid.

Energy storage. In 2011, Texas legislators classified energy storage facilities as generation assets through [SB 943](#), enabling them to interconnect to the grid and sell energy on the wholesale market. This policy followed the establishment of the [New Technology and Implementation Grant \(NTIG\) Program](#), which provided grants to support energy storage under [HB 1796](#) in 2009.

Energy storage is one of the fastest-growing energy resources in the United States, and Texas ranks second in total battery capacity nationwide. Storage facilities utilize external energy sources to charge a storage system or device such as a battery in

times of low demand, which can then be discharged to supply energy to the grid when needed. Advocates of energy storage underscore its capability to reserve intermittent renewable energy resources like wind and solar, rendering them dispatchable at any moment and enhancing their reliability.

During the 88th Legislature, however, storage facilities were excluded from financial incentives for dispatchable generation facilities provided under [SB 2627](#). Critics of storage incentives argue that energy storage resources cannot supply sufficient power during times of high demand due to the current limitations of battery capacity. As a result, critics say that storage facilities would be incapable of adding megawatts to the grid for a sufficient period of time to meet reliability needs.

Advanced nuclear reactors. Next session, lawmakers also could consider proposals on advanced nuclear reactors. On August 16, 2023, Governor Greg Abbott directed the Public Utility Commission of Texas (PUCT) to establish a [working group](#) to study and plan for the use of advanced nuclear reactors in the state, including by researching their safety and affordability. The working group is investigating the state’s role in deploying and establishing permitting processes for advanced nuclear reactors, providing financial incentives for construction, and ensuring an appropriate regulatory environment. The governor instructed the group to produce a plan and recommendations by December 1, 2024.

Nuclear power generates approximately ten percent of Texas' energy through two plants, each with two reactors. Traditional reactors, operating in Texas since 1974, face cost and safety concerns that have prompted interest in the development of advanced nuclear reactors, which are often smaller and may use different moderators, coolants, and types of fuel. Dow Chemical Company and X-energy Reactor Company plan to begin construction on Texas' first advanced nuclear reactor in Seadrift, Texas in 2026.

Hydrogen fuel. [HB 2847](#), enacted during the 88th Legislature, created the Texas Hydrogen Production Policy Council and authorized the Texas Railroad Commission (RRC) to study hydrogen production, pipeline transportation, and storage. Texas law also currently offers various grants to incentivize the use and production of hydrogen-powered vehicles.

Hydrogen fuel, produced by separating hydrogen atoms from various sources like hydrocarbon fuels, water, and biomass, emits only water when converted into energy. While clean hydrogen can be created by splitting water molecules, Texas primarily relies on hydrogen from natural gas, which emits carbon during the production process. This carbon can be captured and stored, but carbon capture is not yet standard practice in hydrogen production. Supporters of policies that promote clean hydrogen fuel production argue that it could help to decarbonize hard-to-electrify industries, like transportation.

Several energy companies in Texas are in the process of developing infrastructure for large-scale clean hydrogen production, in part because of funding from the federal [Regional Clean Hydrogen Hubs program](#) under the [2021 Infrastructure Investment and Jobs Act](#). The program will allocate up to \$1.2 billion for the construction of the Gulf Coast Hydrogen Hub, one of seven hubs across the country, in the Houston area.

Geothermal energy. The 88th Legislature recently passed several laws regulating geothermal energy. Advancements in drilling and fracturing technology within the oil and gas industry have made it possible to locate new geothermal generation facilities in Texas, which lacks the specific subsurface conditions necessary for traditional geothermal generation. [SB 785](#) specifies property rights and insurance policy provisions for geothermal energy and [SB 786](#) places closed-loop geothermal wells, a new type of geothermal generation, under the jurisdiction of the RRC.

A University of Texas Energy Institute study from 2023 recommends legislation related to geothermal grants and tax incentives and suggests the establishment of geothermal-specific workforce training. The study suggests that further geothermal development has considerable potential to meet Texas' growing energy demand.

—Kiera Eriksen-McAuliffe

Human Services, Public Health

CMS approves Texas' postpartum Medicaid extension

[April 17](#)—The federal [Centers for Medicare and Medicaid Services](#) (CMS) recently approved Texas' application for a state plan amendment to extend postpartum Medicaid coverage from two months to 12 months after the 88th Legislature passed [HB 12](#) by Rose. The application was [approved](#) on January 17, 2024, and took effect on March 1, 2024. Individuals whose eligibility was terminated prior to the effective date will have continuous eligibility for the remainder of their 12-month postpartum period.

In 2021, the 87th Legislature passed [HB 133](#) by Rose, which extended postpartum Medicaid coverage from two months to six months after the end of a pregnancy. This required the state to apply for a federal Medicaid waiver because extending postpartum Medicaid coverage to six months instead of 12 months did not meet federal

requirements for a state plan amendment. CMS did not take action on the waiver application, as the agency is not required to approve waiver applications within a certain timeframe. In a September 2023 House Appropriations Committee meeting, the Health and Human Services Commission (HHSC) reported that CMS had verbally communicated that language in HB 133 did not align with federal guidelines for a Medicaid waiver because the bill limited eligibility for extended postpartum Medicaid coverage based on how a person's pregnancy ended.

In 2023, the 88th Legislature extended postpartum coverage from two months to 12 months by passing HB 12. The bill's stated legislative purpose is to extend Medicaid coverage for people whose pregnancies end in the delivery or natural loss of the child. Because the bill extended postpartum

coverage to 12 months, HHSC could apply for a state plan amendment, which requires a response from CMS within 90 days, instead of a waiver.

Supporters of HB 12 said that the bill could lower maternal morbidity and mortality rates in the state. According to the Texas Maternal Mortality and Morbidity Review Committee, many pregnancy related deaths are [preventable](#), and racial disparities in maternal health outcomes have persisted. Supporters argued that the bill could reduce these negative outcomes by providing comprehensive health care after delivery for a longer period of time. Supporters also said that extended postpartum coverage would give Medicaid recipients better access to primary and preventative care during and after pregnancy, which could reduce health care costs by preventing additional pregnancy complications.

Critics of HB 12 said that the bill's legislative purpose as written may not meet federal guidelines for postpartum Medicaid extension and should have been excluded from the bill to ensure that the state plan amendment would be approved. Some critics also said that the legislative purpose was unnecessary because abortion is illegal in Texas.

—*Chelsea Rose*