

ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 745. LICENSING

SUBCHAPTER J. WAIVERS AND VARIANCES FOR MINIMUM STANDARDS

26 TAC §745.8301

The Texas Health and Human Services Commission (HHSC) adopts an amendment to §745.8301, concerning What words must I know to understand this subchapter, in Title 26, Texas Administrative Code, Chapter 745, Licensing.

The amendment to §745.8301 is adopted without changes to the proposed text as published in the July 11, 2025, issue of the *Texas Register* (50 TexReg 3994). The rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement House Bill (HB) 1, 88th Legislature, Regular Session, 2023, which required Child Care Regulation (CCR) to collaborate with the Department of Family and Protective Services (DFPS) to develop and adopt a set of licensing and approval standards for kinship foster homes pursuant to the adoption of federal rules. The Administration for Children and Families amended 45 Code of Federal Regulations (CFR) Parts 1355 and 1356, with the amendments effective on November 27, 2023. These amendments allowed CCR to adopt a set of licensing or approval standards for all kinship foster homes that (1) were different from the standards used for non-kinship foster homes, and (2) allowed a child-placing agency (CPA) to issue a foster home verification to a kinship foster home that meets the new standards. The new standards reduce unnecessary and unreasonable burdens on kinship caregivers to encourage more kinship caregivers to pursue the verification process.

The amendment to §745.8301 also implements recommendations from the Texas HHSC & DFPS Independent Assessment of Residential Child Care Rules, Standards, and Requirements (SB 593) Report to streamline minimum standards and adopt separate verification standards for relative and kinship foster family homes.

The amendment to §745.8301(3) revises the definition of "kinship foster home" to be consistent with the term used in CCR and DFPS rules.

COMMENTS

The 21-day comment period ended August 1, 2025. During this period, HHSC did not receive any comments.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray

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Health and Human Services Commission

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For further information, please call: (512) 438-3269



CHAPTER 749. MINIMUM STANDARDS FOR CHILD-PLACING AGENCIES

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) adopts new §§749.4401, 749.4403, 749.4421, 749.4423, 749.4425, 749.4427, 749.4429, 749.4441, 749.4443, 749.4445, 749.4447, 749.4449, 749.4451, 749.4461, 749.4463, 749.4471, 749.4473, 749.4475, 749.4477, 749.4479, 749.4481, 749.4483, 749.4485, 749.4487, 749.4489, 749.4491, 749.4493, 749.4501, 749.4503, 749.4505, 749.4507, 749.4509, 749.4511, 749.4513, 749.4515, 749.4517, 749.4519, 749.4521, 749.4523, 749.4551, 749.4553, 749.4555, 749.4557, 749.4559, 749.4561, 749.4563, 749.4565, 749.4567, 749.4569, 749.4571, 749.4573, 749.4575, 749.4577, 749.4579, and 749.4581; and the repeal of §749.2472 in Texas Administrative Code, Title 26, Chapter 749, Minimum Standards for Child-Placing Agencies.

New §§749.4425, 749.4427, 749.4461, 749.4463, 749.4477, 749.4479, 749.4507, 749.4553, 749.4569, 749.4571, and 749.4577 are adopted with changes to the proposed text as published in the July 11, 2025, issue of the *Texas Register* (50 TexReg 3996). These rules will be republished. HHSC withdraws proposed new §749.4465.

New §§749.4401, 749.4403, 749.4421, 749.4423, 749.4429, 749.4441, 749.4443, 749.4445, 749.4447, 749.4449, 749.4451, 749.4471, 749.4473, 749.4475, 749.4481, 749.4483, 749.4485, 749.4487, 749.4489, 749.4491, 749.4493, 749.4501, 749.4503, 749.4505, 749.4509, 749.4511, 749.4513, 749.4515, 749.4517, 749.4519, 749.4521, 749.4523, 749.4551, 749.4555, 749.4557, 749.4559, 749.4561, 749.4563, 749.4565, 749.4567, 749.4573, 749.4575, 749.4579, and 749.4581; and the repeal of §749.2472 are adopted without changes to the proposed text as published in the July 11, 2025 issue of the *Texas Register* (50 TexReg 3996). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The new sections and repeals are necessary to implement House Bill (HB) 1, 88th Legislature, Regular Session, 2023, which required Child Care Regulation (CCR) to collaborate with the Department of Family and Protective Services (DFPS) to develop and adopt a set of licensing and approval standards for kinship foster homes pursuant to the adoption of federal rules. The Administration for Children and Families amended 45 Code of Federal Regulations (CFR) Parts 1355 and 1356, with the amendments effective on November 27, 2023. These amendments allow CCR to adopt a set of licensing or approval standards for all kinship foster homes that (1) were different from the standards used for non-kinship foster homes, and (2) allowed a child-placing agency (CPA) to issue a foster home verification to a kinship foster home that meets the new standards. The new standards reduce unnecessary and unreasonable burdens on kinship caregivers to encourage more kinship caregivers to pursue the verification process.

The new rules also implement recommendations from the Texas HHSC & DFPS Independent Assessment of Residential Child Care Rules, Standards, and Requirements (SB 593) Report to streamline minimum standards and adopt separate verification standards for relative and kinship foster family homes.

The repeal of §749.2472 and new rules Subchapter W of Chapter 749 establish a CPA's ability to issue a non-expiring foster home verification to a kinship foster home.

COMMENTS

The 21-day comment period ended on August 1, 2025. During this period, HHSC received one comment regarding the proposed rules from one commenter who is a member of the public. A summary of the comment relating to the rules and response from HHSC follows.

Comment: Regarding §749.4477 and §749.4571, the commenter stated that the allowances for sharing a sleeping space as detailed in §749.4571 seemed to conflict with the language in §749.4477 which prohibits co-sleeping with an infant. The commenter recommended updating the language in §749.4571 to add "with the exception of infants."

Response: HHSC agrees with this comment and revised §749.4477 and §749.4571. §749.4477 was revised to clarify that an infant may not co-sleep with any individual in any location, and §749.4571 was revised to explicitly say that child placement management staff may not approve an infant to share a sleeping surface.

HHSC also revised the proposed rules to remove references to tuberculosis (TB) testing to comply with HB 2789, SECTION 2, 89th Legislature, Regular Session, 2025. The documentation requirements for TB testing were removed from §749.4461, and the TB testing requirements were removed from §749.4465. The

remaining requirements in §749.4465 were added to §749.4463, therefore HHSC withdraws proposed new §749.4465. Additionally, the section title for §749.4463 was revised to reflect the addition of immunization requirements to the rule.

HHSC revised the language in §749.4569 to clarify the rule is referring to an undue safety risk of indoor and outdoor space and equipment.

HHSC also made minor editorial changes to §§749.4425, 749.4427, 749.4479, 749.4507, 749.4553, and 749.4577 for consistency or to improve readability.

SUBCHAPTER M. FOSTER HOMES:

SCREENINGS AND VERIFICATIONS

DIVISION 3. VERIFICATION OF FOSTER HOME

26 TAC §749.2472

STATUTORY AUTHORITY

The repealed section is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER W. KINSHIP FOSTER HOMES

DIVISION 1. DEFINITIONS AND SCOPE

26 TAC §749.4401, §749.4403

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

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DIVISION 2. PRE-VERIFICATION AND ONGOING TRAINING REQUIREMENTS

26 TAC §§749.4421, 749.4423, 749.4425, 749.4427, 749.4429 STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

§749.4425. Pediatric First Aid and Pediatric Cardiopulmonary Resuscitation (CPR) Requirements.

(a) One kinship foster parent must be certified in pediatric first aid and pediatric CPR before a child-placing agency (CPA) issues the kinship foster home verification. Other kinship caregivers, including a second kinship foster parent, must be certified in pediatric first aid and CPR within 90 days after the CPA verifies the home.

(b) Pediatric first aid must include training related to rescue breathing and choking.

(c) Pediatric CPR training must adhere to guidelines for CPR established by the American Heart Association.

§749.4427. General Training Requirements.

A kinship caregiver must complete the following applicable types of general training within the noted timeframes.

Figure: 26 TAC §749.4427

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DIVISION 3. ADMISSION AND PLACEMENT

26 TAC §§749.4441, 749.4443, 749.4445, 749.4447, 749.4449, 749.4451

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of

services by the health and human services system and HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

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DIVISION 4. MEDICAL AND DENTAL REQUIREMENTS

26 TAC §749.4461, §749.4463

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

§749.4461. Documentation Requirements for Medical and Dental Care.

(a) A child-placing agency (CPA) must verify that the following is documented either in the kinship foster child's health passport or in the kinship foster child's record:

(1) Each emergency medical and dental visit or hospitalization, including a discharge summary; and

(2) Applicable immunization requirements.

(b) A kinship foster home must maintain a daily medication log for each controlled substance and psychotropic prescription medication administered to a kinship foster child on a form provided by the CPA. The daily medication log must include:

(1) The name of the kinship foster child;

(2) The name of the controlled substance or psychotropic medication administered; and

(3) The date and time the medication was administered.

(c) If a kinship caregiver fails to administer any medication to a kinship foster child according to the medication label or subsequent signed orders, the kinship caregiver must document the following on a form provided by the CPA:

(1) The kinship foster child's name;

(2) The medication name;

(3) A description of the medication error; and

(4) How the kinship caregiver ensured the kinship foster child's safety.

§749.4463. *General Medical, Dental, Immunization, and Medication Requirements.*

(a) A kinship foster child must receive timely routine and emergency medical and dental care.

(b) At the time of verification, a child-placing agency (CPA) must verify whether a kinship foster child who is at least three years old has had a medical examination within the past year and a dental examination within the past year. If the CPA determines that the child has not had one of these examinations during that time frame, the CPA must develop a plan for the child to receive the examination.

(c) All medications must be administered according to the instructions on the label or according to a prescribing health-care professional's subsequent signed order.

(d) All medications must be stored securely and in a way that makes them inaccessible to kinship foster children.

(e) Each kinship foster child that a child-placing agency admits must meet and continue to meet applicable immunization requirements as specified by the Texas Department of State Health Services.

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DIVISION 5. DAILY CARE, EDUCATION, AND DISCIPLINE

26 TAC §§749.4471, 749.4473, 749.4475, 749.4477, 749.4479, 749.4481, 749.4483, 749.4485, 749.4487, 749.4489, 749.4491, 749.4493

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

§749.4477. *Infants: Safe Sleep Requirements.*

(a) A kinship caregiver must place an infant who is unable to turn over without assistance in a face-up sleeping position unless a healthcare professional orders otherwise. A child-placing agency (CPA) must keep any orders from a healthcare professional in the kinship foster child's record.

(b) An infant's head, face, or crib must not be covered at any time by any item, including a blanket, linen, or clothing.

(c) An infant must not co-sleep with any individual in any location.

(d) An infant must not sleep in a restrictive device, such as a car seat, swing, bouncy seat, or highchair. If an infant falls asleep in one of these devices, the kinship caregiver must move the infant to a crib as soon as possible.

(e) An infant who can roll over without assistance must not be swaddled.

(f) The CPA must notify the parent of each child in care of each kinship foster home verified by the CPA of any deficiencies cited in this section.

§749.4479. *Infants: Equipment Safety.*

A highchair, swing, stroller, infant carrier, rocker, bouncy seat, or similar type of equipment that a kinship foster home uses for an infant must have safety straps fastened when the equipment is in use with the infant.

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DIVISION 6. SCREENINGS AND VERIFICATIONS

26 TAC §§749.4501, 749.4503, 749.4505, 749.4507, 749.4509, 749.4511, 749.4513, 749.4515, 749.4517, 749.4519, 749.4521, 749.4523

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

§749.4507. *Previously Verified Kinship Foster Homes.*

(a) For a kinship foster home previously verified by another child-placing agency (CPA), the receiving CPA must conduct and complete a new home screening as required in this subchapter.

(b) If the kinship foster home is transferring from another CPA, the receiving CPA must request information about the home by submitting a written request to the agency that transferred the kinship foster home.

(c) If the kinship foster home is transferring from another CPA with a child in care, the receiving CPA may verify the kinship foster home prior to completion of the background check.

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DIVISION 7. HEALTH AND SAFETY REQUIREMENTS, ENVIRONMENT, SPACE, AND EQUIPMENT

**26 TAC §§749.4551, 749.4553, 749.4555, 749.4557,
749.4559, 749.4561, 749.4563, 749.4565, 749.4567, 749.4569,
749.4571, 749.4573, 749.4575, 749.4577, 749.4579, 749.4581**

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Chapter 42 of HRC.

§749.4553. Health and Fire Inspections.

(a) A kinship foster home must have either:

(1) A health inspection conducted by the local health authority; or

(2) A health and safety evaluation conducted by the child-placing agency's (CPA's) child placement staff using the Environmental Health Checklist for Kinship Foster Homes form.

(b) A kinship foster home must also have either:

(1) A fire inspection conducted by a state or local fire authority; or

(2) A fire safety evaluation developed and conducted by the CPA's child placement staff.

(c) A kinship foster home must correct any deficiencies documented during any inspection or evaluation and comply with any conditions or restrictions specified by the inspector or evaluator.

§749.4569. Physical Environment of a Kinship Foster Home.

(a) A kinship foster home must ensure that indoor and outdoor space and equipment does not pose an undue safety risk to kinship foster children.

(b) Kinship caregivers must provide adequate supervision to prevent access to space or equipment that poses a safety risk to a kinship foster child as needed based on the kinship foster child's developmental age, maturity, and service plan restrictions.

§749.4571. Indoor Space: Sleeping Spaces and Sleeping Surfaces.

(a) Unless approved to share by the child placement management staff (CPMS), each kinship foster child must have the child's own:

(1) Sleeping space; and

(2) Sleep surface, which may include a bed, mattress, air mattress, futon, or couch.

(b) Before approving a kinship foster child to share a sleeping space or sleeping surface, the CPMS must determine and document in the kinship foster child's service plan there is no known risk of harm to the kinship foster child by sharing a sleeping space or sleeping surface with the other individual after assessing:

(1) The relationship between the kinship foster child and the individual;

(2) The ages and developmental levels of the kinship foster child and the individual, noting that after the kinship foster child's 18th birthday, the kinship foster child may share a bedroom with another youth who is 16 years of age or older, provided the age difference does not exceed two years;

(3) The behaviors of the kinship foster child and the individual;

(4) Any history of possible sexual trauma or sexually inappropriate behaviors of the kinship foster child and the individual; and

(5) Any other identifiable factors that may affect the appropriateness of the individual and the kinship foster child sharing a bedroom.

(c) CPMS may not approve an infant to share a sleeping surface.

§749.4577. Transportation.

(a) Kinship caregivers must utilize safe and reliable transportation for a kinship foster child.

(b) Special provisions must be made for transporting non-ambulatory and non-mobile children. When necessary, this may include locks for wheelchairs and hydraulic lifts.

(c) A kinship caregiver must secure each kinship foster child in an infant safety seat, rear-facing convertible child safety seat, forward-facing child safety seat, child booster seat, safety vest, harness, or a safety belt, as appropriate to the kinship foster child's age, height, and weight and according to the manufacturer's instructions.

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TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

CHAPTER 1. GENERAL ADMINISTRATION

The commissioner of insurance adopts amendments to 28 TAC §§1.301, 1.302, 1.1101, 1.1901, and 1.1904, concerning various sections that reference the General Services Commission

(GSC). The amendments are adopted without changes to the proposed text published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5303). These rules will not be republished.

REASONED JUSTIFICATION. The amended sections are necessary to remove references to the GSC and its rules because the GSC was abolished under Senate Bill 311, 77th Legislature, 2001. After the GSC was abolished, its authority to determine the cost for copies of public records was transferred to the Office of the Attorney General (OAG) under Senate Bills 452 and 727, 79th Legislature, 2005. The GSC's authority to determine procedures for vendor protests of procurement and determine the assignment and use of agency vehicles was transferred to the Texas Comptroller of Public Accounts (CPA) under House Bill 3560, 80th Legislature, 2007. Because the GSC's authority was transferred to other agencies after its abolition, the amendments are needed to accurately cite the proper agencies and their rules. The amended sections as adopted are otherwise consistent with OAG and CPA rules.

Descriptions of the sections' adopted amendments follow.

Section 1.301. Amendments to §1.301 replace a reference to the GSC and its rules with a reference to the OAG and its rules, add the abbreviation "TDI" for the Texas Department of Insurance, and replace the word "shall" with "will" for consistency with TDI plain language preferences.

Section 1.302. Amendments to §1.302 remove the \$1 fee a custodian of records is entitled to under Civil Practice and Remedies Code §22.004, reducing the fee amount required by the section to \$10. Amendments also update the section for plain language by replacing "shall be" with "is."

Section 1.1101. An amendment to §1.1101 replaces a reference to the GSC with a reference to the CPA and adds the relevant CPA rules' titles for clarity.

Section 1.1901. Amendments to §1.1901 replace a reference to the GSC with a reference to the CPA and add the title of Government Code §2171.1045 for clarity. The citation to Government Code §2171.1045 is also updated for plain language.

Section 1.1904. Amendments to §1.1904 replace the reference to the GSC with a reference to the CPA and ensure the full title of the State Vehicle Fleet Management Plan is in the text.

In addition, the amendments include nonsubstantive rule drafting and formatting changes for plain language and to conform the sections to TDI's current style and improve the sections' clarity. These changes include replacing "shall" with "must" or "will."

SUMMARY OF COMMENTS. TDI provided an opportunity for public comment on the rule proposal for a period that ended on September 15, 2025. TDI did not receive any comments on the proposed amendments.

SUBCHAPTER B. FEES, CHARGES, AND COSTS

28 TAC §1.301, §1.302

STATUTORY AUTHORITY. The commissioner adopts the amendments to §1.301 and §1.302 under Government Code §552.262 and Insurance Code §§202.003(a), 202.051(2), and 36.001.

Government Code §552.262 requires each state agency to use the rules adopted by the OAG in determining charges for providing copies of public information.

Insurance Code §202.003(a) directs TDI to set and collect a fee for copying any paper of record in an amount sufficient to reimburse the state for the actual expense.

Insurance Code §202.051(2) directs TDI to impose and receive from each authorized insurer writing insurance in Texas a fee for affixing the official seal and certifying to the seal in an amount not to exceed \$20.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 676-6555



SUBCHAPTER J. PROCEDURES FOR VENDOR PROTESTS OF PROCUREMENTS

28 TAC §1.1101

STATUTORY AUTHORITY. The commissioner adopts the amendments to §1.1101 under Government Code §2155.076 and Insurance Code §36.001.

Government Code §2155.076 requires each state agency by rule to develop and adopt protest procedures for resolving vendor protests relating to purchasing issues that are consistent with the CPA's rules.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER Q. ASSIGNMENT AND USE OF AGENCY VEHICLES

28 TAC §1.1901, §1.1904

STATUTORY AUTHORITY. The commissioner adopts the amendments to §1.1901 and §1.1904 under Government Code §2171.1045 and Insurance Code §36.001.

Government Code §2171.1045 requires each state agency to adopt rules consistent with the management plan adopted by the CPA under Government Code §2171.104.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 6. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

CHAPTER 151. GENERAL PROVISIONS

37 TAC §151.51

The Texas Board of Criminal Justice (board) adopts amendments to §151.51, concerning Custodial Officer Certification and Hazardous Duty Pay Eligibility Guidelines, without changes to the proposed text as published in the May 9, 2025, issue of the *Texas Register* (50 TexReg 2751). The rule will not be republished. The adopted amendments revise "offender" to "inmate" where appropriate and "rule" to "section" throughout; revise the definition for "Routine Direct Inmate Contact"; add sociologists and interviewers to employees eligible under Hazardous Duty Code 3; replace the deputy executive director with the chief operations officer as the authority to approve adding positions to Hazardous Duty Code 3; add the chief operations officer, chief programs officer, other division directors, and no more than 25 administrative duty officers to employees eligible under Hazardous Duty Code 4 and remove language stating any other positions approved by the deputy executive director; add laboratory technicians assigned to parole offices to employees eligible under Hazardous Duty Code 8; and make grammatical updates.

No public comments were received regarding the amendments.

The amendments are adopted under Texas Government Code §492.013, which authorizes the board to adopt rules; §508.001, which defines terms for general provisions regarding parole and mandatory supervision; §615.006, which outlines requirements for the designation of custodial personnel; §811.001, which defines terms for general provisions regarding Employees Retirement System of Texas; §813.506; which establishes guidelines for custodial officer service eligibility; §815.505, which establishes guidelines for the certification of names of law enforcement and custodial officers; and §659.301-.308, which establishes guidelines for hazardous duty pay compensation for state officers and employees.

Cross Reference to Statutes: None.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 20, 2025.

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Stephanie Greger

General Counsel

Texas Department of Criminal Justice

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For further information, please call: (936) 437-6700

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CHAPTER 152. CORRECTIONAL INSTITUTIONS DIVISION

SUBCHAPTER B. CORRECTIONAL CAPACITY

37 TAC §152.25

The Texas Board of Criminal Justice (board) adopts amendments to §152.25, concerning Maximum Rated Capacity of Individual Units, with a change to the proposed text as published in the May 9, 2025, issue of the *Texas Register* (50 TexReg 2753). The rule will be republished. The adopted amendments update the maximum rated capacity of individual units. The change establishes the maximum rated capacity of the recently purchased Giles W. Dalby Unit as 1,906.

Two public comments were received regarding the amendments.

The first commenter suggests that the expansion of capacity would cause inmates that need protection from threats to be put in danger. The board disagrees. Specific housing assignments, including whether an inmate requires a single cell for security reasons, will continue to be made on an individualized basis. If an inmate who requires a single cell will be impacted by this change in capacity, then that inmate will be reassigned and housed appropriately to ensure security needs continue to be met.

The second commenter suggests that housing two death row inmates in a cell together would create an environment of increased violence and sexual assault. The board disagrees. The Texas Department of Criminal Justice will continue to consider

security factors when evaluating classification and placement. Death row inmates will continue to be housed in single cells.

The amendments are adopted under Texas Government Code §492.013, which authorizes the board to adopt rules; §494.001, which establishes the mission of the institutional division; and §499.102-.110, which establishes procedures for determining unit and system capacity.

Cross Reference to Statutes: None.

§152.25. *Maximum Rated Capacity of Individual Units.*

The Texas Board of Criminal Justice establishes the following maximum rated capacities for existing units.
Figure: 37 TAC §152.25

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 421. STANDARDS FOR CERTIFICATION

37 TAC §§421.3, 421.5, 421.9, 421.11, 421.13, 421.15, 421.17

The Texas Commission on Fire Protection (the Commission) adopts amendments to 37 Texas Administrative Code §421.3, Minimum Standards Set by the Commission; §421.5, Definitions; §421.9, Designation of Fire Protection Duties; §421.11, Requirement To Be Certified Within One Year; §421.13, Individual Certificate Holders; §421.15, Extension of Training Period; and §421.17, Requirement to Maintain Certification.

The amended sections are adopted without changes to the text as published in the August 1, 2025, issue of the *Texas Register* (50 TexReg 5050) and will not be republished.

Reason for Adoption

The rule amendments are initiated to update language for clarity and consistency, including capitalization of "Commission" and minor corrections to wording throughout the chapter.

Public Comments

No comments were received from the public regarding the adoption of the amendments.

Statutory Authority

The amended sections are adopted under Texas Government Code §419.008, which authorizes the Commission to adopt or amend rules to perform the duties assigned to the Commission.

The rules are also adopted under Texas Government Code §419.032, which authorizes the Commission to adopt rules establishing the requirements for fire protection personnel.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 17, 2025.

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Mike Wisko

Agency Chief

Texas Commission on Fire Protection

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CHAPTER 425. FIRE SERVICE INSTRUCTORS

37 TAC §§425.1, 425.3, 425.5, 425.7, 425.9, 425.11

The Texas Commission on Fire Protection (the Commission) adopts amendments to 37 Texas Administrative Code §425.1, Minimum Standards for Fire Service Instructor Certification; §425.3, Minimum Standards for Fire Service Instructor I Certification; §425.5, Minimum Standards for Fire Service Instructor II Certification; §425.7, Minimum Standards for Fire Service Instructor III Certification; §425.9, Minimum Standards for Master Fire Service Instructor III Certification; and §425.11, International Fire Service Accreditation Congress (IFSAC) Seal. The amended sections are adopted without changes to the text as published in the August 1, 2025, issue of the *Texas Register* (50 TexReg 5059). The rule will not be republished. Reason for Adoption The amendments implement grammatical and editorial updates for clarity and consistency, including capitalization of "Commission," standardizing "Commission-approved," and related cleanups across Chapter 425.

Public Comments

No comments were received from the public regarding adoption of these amendments.

Statutory Authority

These amendments are adopted under Texas Government Code §419.008 and §419.032.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Mike Wisko

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