

CHAPTER 583

S.B. No. 869

AN ACT

relating to the regulation of the practice of pharmacy; authorizing fees.

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

SECTION 1. Subsection (e), Section 353.204, Occupations Code, is amended to read as follows:

(e) The Texas State Board of Pharmacy is responsible for enforcing this chapter with regard to a violation of this chapter by a pharmacist. A violation of this chapter by a pharmacist is considered to be a violation of Subtitle J[, ~~other than Chapter 567~~].

SECTION 2. Section 551.001, Occupations Code, is amended to read as follows:

Sec. 551.001. SHORT TITLE. This [~~The chapters of this~~] subtitle[, ~~other than Chapter 567,~~] may be cited as the Texas Pharmacy Act.

SECTION 3. Section 551.003, Occupations Code, is amended by amending Subdivision (32) and adding Subdivision (32-a) to read as follows:

(32) "Pharmacy technician" means an individual employed by a pharmacy whose responsibility is to provide technical services that do not require professional judgment regarding preparing and distributing drugs and who works under the direct supervision of and is responsible to a pharmacist. The term does

1 not include a pharmacy technician trainee.

2 (32-a) "Pharmacy technician trainee" means an  
3 individual who is registered with the board as a pharmacy  
4 technician trainee and is authorized to participate in a pharmacy  
5 technician training program.

6 SECTION 4. Section 554.002, Occupations Code, is amended to  
7 read as follows:

8 Sec. 554.002. REGULATION OF PRACTICE OF PHARMACY. The  
9 board shall regulate the practice of pharmacy in this state by:

10 (1) issuing a license after examination or by  
11 reciprocity to an applicant qualified to practice pharmacy and  
12 issuing a license to a pharmacy under this subtitle;

13 (2) renewing a license to practice pharmacy and a  
14 license to operate a pharmacy;

15 (3) determining and issuing standards for recognizing  
16 and approving degree requirements of colleges of pharmacy whose  
17 graduates are eligible for a license in this state;

18 (4) specifying and enforcing requirements for  
19 practical training, including an internship;

20 (5) enforcing the provisions of this subtitle relating  
21 to:

22 (A) the conduct or competence of a pharmacist  
23 practicing in this state and the conduct of a pharmacy operating in  
24 this state; and

25 (B) the suspension, revocation, retirement, or  
26 restriction of a license to practice pharmacy or to operate a  
27 pharmacy or the imposition of an administrative penalty or

1 reprimand on a license holder;

2 (6) regulating the training, qualifications, and  
3 employment of a pharmacist-intern, ~~and~~ pharmacy technician, and  
4 pharmacy technician trainee; and

5 (7) determining and issuing standards for recognizing  
6 and approving a pharmacy residency program for purposes of  
7 Subchapter W, Chapter 61, Education Code.

8 SECTION 5. Subsection (b), Section 554.007, Occupations  
9 Code, is amended to read as follows:

10 (b) The board may receive and spend money, or use gifts,  
11 grants, and other funds and assets [~~from a party, other than the~~  
12 ~~state~~], in addition to money collected under Subsection (a), in  
13 accordance with state law.

14 SECTION 6. The heading to Section 554.053, Occupations  
15 Code, is amended to read as follows:

16 Sec. 554.053. RULEMAKING: PHARMACY TECHNICIAN AND PHARMACY  
17 TECHNICIAN TRAINEE.

18 SECTION 7. Subsections (a) and (b), Section 554.053,  
19 Occupations Code, are amended to read as follows:

20 (a) The board shall establish rules for the use and the  
21 duties of a pharmacy technician and pharmacy technician trainee in  
22 a pharmacy licensed by the board. A pharmacy technician and  
23 pharmacy technician trainee shall be responsible to and must be  
24 directly supervised by a pharmacist.

25 (b) The board may not adopt a rule establishing a ratio of  
26 pharmacists to pharmacy technicians and pharmacy technician  
27 trainees in a Class C pharmacy or limiting the number of pharmacy

1 technicians or pharmacy technician trainees that may be used in a  
2 Class C pharmacy.

3 SECTION 8. Section 557.004, Occupations Code, is amended to  
4 read as follows:

5 Sec. 557.004. LIMITATIONS ON REGISTRATION. (a) The board  
6 may:

- 7 (1) refuse to issue a registration to an applicant; or  
8 (2) restrict, suspend, or revoke a pharmacist-intern  
9 registration for a violation of this subtitle.

10 (b) The board may take disciplinary action against an  
11 applicant for a pharmacist-intern registration or the holder of a  
12 current or expired pharmacist-intern registration in the same  
13 manner as against an applicant for a license or a license holder by  
14 imposing a sanction authorized under Section 565.051 if the board  
15 finds that the applicant or registration holder has engaged in  
16 conduct described by Section 565.001.

17 SECTION 9. Section 559.003, Occupations Code, is amended by  
18 adding Subsection (e) to read as follows:

19 (e) A person may not renew a license to practice pharmacy if  
20 the person holds a license to practice pharmacy in another state  
21 that has been suspended, revoked, canceled, or subject to an action  
22 that prohibits the person from practicing pharmacy in that state.

23 SECTION 10. Subsection (b), Section 560.052, Occupations  
24 Code, is amended to read as follows:

25 (b) To qualify for a pharmacy license, an applicant must  
26 submit to the board:

- 27 (1) a license fee set by the board, except as provided

1 by Subsection (d); and

2 (2) a completed application that:

3 (A) is on a form prescribed by the board;

4 (B) is given under oath; ~~and~~

5 (C) includes proof that a license held in this  
6 state or another state, if applicable, has not been restricted,  
7 suspended, revoked, or surrendered for any reason; and

8 (D) includes a statement of:

9 (i) the ownership;

10 (ii) the location of the pharmacy;

11 (iii) the license number of each pharmacist  
12 who is employed by the pharmacy, if the pharmacy is located in this  
13 state, or who is licensed to practice pharmacy in this state, if the  
14 pharmacy is a Class E pharmacy;

15 (iv) the license number of the  
16 pharmacist-in-charge; and

17 (v) any other information the board  
18 determines necessary.

19 SECTION 11. Section 561.003, Occupations Code, is amended  
20 by adding Subsection (f) to read as follows:

21 (f) A pharmacy may not renew a license under this section if  
22 the pharmacy's license to operate in another state has been  
23 suspended, revoked, canceled, or subject to an action that  
24 prohibits the pharmacy from operating in that state.

25 SECTION 12. Section 562.012, Occupations Code, is amended  
26 to read as follows:

27 Sec. 562.012. SUBSTITUTION OF DOSAGE FORM PERMITTED. With

1 the patient's consent [~~and notification to the practitioner~~], a  
2 pharmacist may dispense a dosage form of a drug different from that  
3 prescribed, such as a tablet instead of a capsule or a liquid  
4 instead of a tablet, if the dosage form dispensed:

5 (1) contains the identical amount of the active  
6 ingredients as the dosage prescribed for the patient;

7 (2) is not an enteric-coated or timed release product;  
8 and

9 (3) does not alter desired clinical outcomes.

10 SECTION 13. Section 562.056, Occupations Code, is amended  
11 by adding Subsection (a-1) and amending Subsection (b) to read as  
12 follows:

13 (a-1) To be a valid prescription, a prescription for a  
14 controlled substance must be issued for a legitimate medical  
15 purpose by a practitioner acting in the usual course of the  
16 practitioner's professional practice. The responsibility for the  
17 proper prescribing and dispensing of controlled substances is on  
18 the prescribing practitioner, but a corresponding responsibility  
19 rests with the pharmacist who fills the prescription.

20 (b) This section [~~Subsection (a)~~] does not prohibit a  
21 pharmacist from dispensing a prescription when a valid  
22 practitioner-patient relationship is not present in an emergency.

23 SECTION 14. Section 562.103, Occupations Code, is amended  
24 by amending Subsection (b) and adding Subsection (c) to read as  
25 follows:

26 (b) A Class A or Class C pharmacy that serves the public  
27 shall:

1           (1) display the word "pharmacy" or a similar word or  
2 symbol as determined by the board in a prominent place on the front  
3 of the pharmacy; and

4           (2) display in public view the license of the  
5 pharmacist-in-charge of [~~each pharmacist employed in~~] the  
6 pharmacy.

7           (c) A pharmacy shall maintain and make available to the  
8 public on request proof that each pharmacist, pharmacist-intern,  
9 pharmacy technician, and pharmacist technician trainee working in  
10 the pharmacy holds the appropriate license or registration.

11           SECTION 15. Subsection (a), Section 565.001, Occupations  
12 Code, is amended to read as follows:

13           (a) The board may discipline an applicant for or the holder  
14 of a current or expired license to practice pharmacy if the board  
15 finds that the applicant or license holder has:

16           (1) violated this subtitle or a board rule adopted  
17 under this subtitle;

18           (2) engaged in unprofessional conduct as defined by  
19 board rule;

20           (3) engaged in gross immorality as defined by board  
21 rule;

22           (4) developed an incapacity that prevents or could  
23 prevent the applicant or license holder from practicing pharmacy  
24 with reasonable skill, competence, and safety to the public;

25           (5) engaged in fraud, deceit, or misrepresentation, as  
26 defined by board rule, in practicing pharmacy or in seeking a  
27 license to practice pharmacy;

1           (6) been convicted of or placed on deferred  
2 adjudication community supervision or deferred disposition or the  
3 applicable federal equivalent for:

4                   (A) a misdemeanor:

5                           (i) involving moral turpitude; or

6                           (ii) under Chapter 481 or 483, Health and  
7 Safety Code, or the Comprehensive Drug Abuse Prevention and Control  
8 Act of 1970 (21 U.S.C. Section 801 et seq.); or

9                   (B) a felony;

10           (7) used alcohol or drugs in an intemperate manner  
11 that, in the board's opinion, could endanger a patient's life;

12           (8) failed to maintain records required by this  
13 subtitle or failed to maintain complete and accurate records of  
14 purchases or disposals of drugs listed in Chapter 481 or 483, Health  
15 and Safety Code, or the Comprehensive Drug Abuse Prevention and  
16 Control Act of 1970 (21 U.S.C. Section 801 et seq.);

17           (9) violated any provision of:

18                   (A) Chapter 481 or 483, Health and Safety Code,  
19 or the Comprehensive Drug Abuse Prevention and Control Act of 1970  
20 (21 U.S.C. Section 801 et seq.), or rules relating to one of those  
21 laws; or

22                   (B) Section 485.031, 485.032, 485.033, or  
23 485.034, Health and Safety Code;

24           (10) aided or abetted an unlicensed person in the  
25 practice of pharmacy if the pharmacist knew or reasonably should  
26 have known that the person was unlicensed at the time;

27           (11) refused entry into a pharmacy for an inspection



1 authorized by this subtitle if the pharmacist received notification  
2 from which the pharmacist knew or reasonably should have known that  
3 the attempted inspection was authorized;

4 (12) violated any pharmacy or drug statute or rule of  
5 this state, another state, or the United States;

6 (13) been negligent in the practice of pharmacy;

7 (14) failed to submit to an examination after hearing  
8 and being ordered to do so by the board under Section 565.052;

9 (15) dispensed a prescription drug while acting  
10 outside the usual course and scope of professional practice;

11 (16) been disciplined by a pharmacy board or by  
12 another health [the] regulatory board of this state or another  
13 state for conduct substantially equivalent to conduct described  
14 under this subsection;

15 (17) violated a disciplinary order, including a  
16 confidential order or contract under the program to aid impaired  
17 pharmacists and pharmacy students under Chapter 564;

18 (18) failed to adequately supervise a task delegated  
19 to a pharmacy technician or pharmacy technician trainee;

20 (19) inappropriately delegated a task delegated to a  
21 pharmacy technician or pharmacy technician trainee; [~~or~~]

22 (20) been responsible for a drug audit shortage; or

23 (21) been convicted or adjudicated of a criminal  
24 offense that requires registration as a sex offender under Chapter  
25 62, Code of Criminal Procedure.

26 SECTION 16. Subsection (c), Section 565.055, Occupations  
27 Code, is amended to read as follows:

1 (c) Notwithstanding Subsection (b), information or material  
2 compiled by the board in connection with an investigation may be  
3 disclosed:

4 (1) during any proceeding conducted by the State  
5 Office of Administrative Hearings, to the board, or a panel of the  
6 board, or in a subsequent trial or appeal of a board action or  
7 order;

8 (2) to a person providing a service to the board,  
9 including an expert witness, investigator, or employee of an entity  
10 that contracts with the board, related to a disciplinary proceeding  
11 against an applicant or license holder, or a subsequent trial or  
12 appeal, if the information is necessary for preparation for, or a  
13 presentation in, the proceeding;

14 (3) to an entity in another jurisdiction that:

15 (A) licenses or disciplines pharmacists or  
16 pharmacies; or

17 (B) registers or disciplines pharmacy  
18 technicians or pharmacy technician trainees;

19 (4) to a pharmaceutical or pharmacy peer review  
20 committee as described under Chapter 564;

21 (5) to a law enforcement agency;

22 (6) to a person engaged in bona fide research, if all  
23 information identifying a specific individual has been deleted; or

24 (7) to an entity that administers a board-approved  
25 pharmacy technician certification examination [~~under a court~~  
26 ~~order~~].

27 SECTION 17. Subsection (a), Section 565.101, Occupations

1 Code, is amended to read as follows:

2 (a) A person whose pharmacy license, license to practice  
3 pharmacy, [~~or~~] pharmacy technician registration, or pharmacy  
4 technician trainee registration in this state has been revoked or  
5 restricted under this subtitle, whether voluntarily or by board  
6 action, may, after the first anniversary of the effective date of  
7 the revocation or restriction, petition the board for reinstatement  
8 or removal of the restriction of the license or registration.

9 SECTION 18. The heading to Chapter 568, Occupations Code,  
10 is amended to read as follows:

11 CHAPTER 568. PHARMACY TECHNICIANS AND PHARMACY  
12 TECHNICIAN TRAINEES

13 SECTION 19. Section 568.001, Occupations Code, is amended  
14 to read as follows:

15 Sec. 568.001. RULES; QUALIFICATIONS [~~RELATING TO PHARMACY~~  
16 ~~TECHNICIANS~~]. (a) In establishing rules under Section  
17 554.053(c), the board shall require that:

18 (1) a pharmacy technician:

19 (A) [~~(1)~~] have a high school diploma or a high  
20 school equivalency certificate or be working to achieve an  
21 equivalent diploma or certificate; and

22 (B) [~~(2)~~] have passed a board-approved pharmacy  
23 technician certification examination; and

24 (2) a pharmacy technician trainee have a high school  
25 diploma or a high school equivalency certificate or be working to  
26 achieve an equivalent diploma or certificate.

27 (b) The board shall adopt rules that permit a pharmacy

1 technician and pharmacy technician trainee to perform only  
2 nonjudgmental technical duties under the direct supervision of a  
3 pharmacist.

4 SECTION 20. Section 568.002, Occupations Code, is amended  
5 to read as follows:

6 Sec. 568.002. [~~PHARMACY TECHNICIAN~~] REGISTRATION REQUIRED.

7 (a) A person must register with the board before beginning work in  
8 a pharmacy in this state as a pharmacy technician or a pharmacy  
9 technician trainee [~~pharmacy technician must register with the~~  
10 ~~board annually or biennially, as determined by board rule, on a form~~  
11 ~~prescribed by the board~~].

12 (b) The board may allow a pharmacy technician to petition  
13 the board for a special exemption from the pharmacy technician  
14 certification requirement if the pharmacy technician[+

15 [~~(1)~~] is in a county with a population of less than  
16 50,000[~~+~~ or

17 [~~(2)~~ on September 1, 2001, has been employed as a  
18 ~~pharmacy technician in this state for at least 10 years and the~~  
19 ~~technician's employer approves the petition~~].

20 (c) An applicant for registration as a pharmacy technician  
21 or a pharmacy technician trainee must:

22 (1) be of good moral character; and

23 (2) submit an application on a form prescribed by the  
24 board.

25 (d) A person's registration as a pharmacy technician or  
26 pharmacy technician trainee remains in effect as long as the person  
27 meets the qualifications established by board rule.

1 SECTION 21. Subsection (a), Section 568.003, Occupations  
2 Code, is amended to read as follows:

3 (a) The board may take disciplinary action under Section  
4 568.0035 against an applicant for or the holder of a current or  
5 expired pharmacy technician or pharmacy technician trainee  
6 registration if the board determines that the applicant or  
7 registrant has:

8 (1) violated this subtitle or a rule adopted under  
9 this subtitle;

10 (2) engaged in gross immorality, as that term is  
11 defined by the rules of the board;

12 (3) engaged in any fraud, deceit, or  
13 misrepresentation, as those terms are defined by the rules of the  
14 board, in seeking a registration to act as a pharmacy technician or  
15 pharmacy technician trainee;

16 (4) been convicted of or placed on deferred  
17 adjudication community supervision or deferred disposition or the  
18 applicable federal equivalent for:

19 (A) a misdemeanor:

20 (i) involving moral turpitude; or

21 (ii) under Chapter 481 or 483, Health and  
22 Safety Code, or the Comprehensive Drug Abuse Prevention and Control  
23 Act of 1970 (21 U.S.C. Section 801 et seq.); or

24 (B) a felony;

25 (5) developed an incapacity that prevents the  
26 applicant or registrant from practicing as a pharmacy technician or  
27 pharmacy technician trainee with reasonable skill, competence, and

1 safety to the public;

2 (6) violated:

3 (A) Chapter 481 or 483, Health and Safety Code,  
4 or rules relating to those chapters;

5 (B) Sections 485.031-485.035, Health and Safety  
6 Code; or

7 (C) a rule adopted under Section 485.011, Health  
8 and Safety Code;

9 (7) violated the pharmacy or drug laws or rules of this  
10 state, another state, or the United States;

11 (8) performed duties in a pharmacy that only a  
12 pharmacist may perform, as defined by the rules of the board;

13 (9) used alcohol or drugs in an intemperate manner  
14 that, in the board's opinion, could endanger a patient's life;

15 (10) engaged in negligent, unreasonable, or  
16 inappropriate conduct when working in a pharmacy;

17 (11) violated a disciplinary order;

18 (12) been convicted or adjudicated of a criminal  
19 offense that requires registration as a sex offender under Chapter  
20 62, Code of Criminal Procedure; or

21 (13) been disciplined by a pharmacy or other health  
22 regulatory board of this state or another state for conduct  
23 substantially equivalent to conduct described by this subsection.

24 SECTION 22. Subsection (a), Section 568.0035, Occupations  
25 Code, is amended to read as follows:

26 (a) On a determination that a ground for discipline exists  
27 under Section 568.003, the board may:

- 1 (1) suspend the person's registration;
- 2 (2) revoke the person's registration;
- 3 (3) restrict the person's registration to prohibit the  
4 person from performing certain acts or from practicing as a  
5 pharmacy technician or pharmacy technician trainee in a particular  
6 manner for a term and under conditions determined by the board;
- 7 (4) impose an administrative penalty under Chapter  
8 566;
- 9 (5) refuse to issue or renew the person's  
10 registration;
- 11 (6) place the offender's registration on probation and  
12 supervision by the board for a period determined by the board and  
13 impose a requirement that the registrant:
  - 14 (A) report regularly to the board on matters that  
15 are the basis of the probation;
  - 16 (B) limit practice to the areas prescribed by the  
17 board;
  - 18 (C) continue or review professional education  
19 until the registrant attains a degree of skill satisfactory to the  
20 board in each area that is the basis of the probation; or
  - 21 (D) pay the board a probation fee to defray the  
22 costs of monitoring the registrant during the period of probation;
- 23 (7) reprimand the person;
- 24 (8) retire the person's registration as provided by  
25 board rule; or
- 26 (9) impose more than one of the sanctions listed in  
27 this section.

1 SECTION 23. Subsection (a), Section 568.0037, Occupations  
2 Code, is amended to read as follows:

3 (a) The president of the board shall appoint a disciplinary  
4 panel consisting of three board members to determine whether a  
5 registration under this chapter should be temporarily suspended or  
6 restricted. If a majority of the panel determines from evidence or  
7 information presented to the panel that the registrant by  
8 continuation in practice as a pharmacy technician or pharmacy  
9 technician trainee would constitute a continuing threat to the  
10 public welfare, the panel shall temporarily suspend or restrict the  
11 registration as provided by Subsection (b).

12 SECTION 24. Section 568.004, Occupations Code, is amended  
13 to read as follows:

14 Sec. 568.004. RENEWAL OF REGISTRATION. The board may adopt  
15 a system in which the registrations of pharmacy technicians and  
16 pharmacy technician trainees expire on various dates during the  
17 year.

18 SECTION 25. Section 568.005, Occupations Code, is amended  
19 to read as follows:

20 Sec. 568.005. FEES. The board may adopt fees as necessary  
21 for the registration of pharmacy technicians and pharmacy  
22 technician trainees.

23 SECTION 26. Section 568.006, Occupations Code, is amended  
24 to read as follows:

25 Sec. 568.006. RATIO OF PHARMACISTS TO PHARMACY TECHNICIANS  
26 AND PHARMACY TECHNICIAN TRAINEES. The ratio of pharmacists to  
27 pharmacy technicians and pharmacy technician trainees in a Class A



1 pharmacy must be at least one pharmacist for every five pharmacy  
2 technicians or pharmacy technician trainees if the Class A pharmacy  
3 dispenses not more than 20 different prescription drugs and does  
4 not produce intravenous or intramuscular drugs on-site.

5 SECTION 27. The heading to Section 568.008, Occupations  
6 Code, is amended to read as follows:

7 Sec. 568.008. PHARMACY TECHNICIANS IN HOSPITALS WITH  
8 CLINICAL PHARMACY PROGRAM.

9 SECTION 28. Chapter 568, Occupations Code, is amended by  
10 adding Section 568.009 to read as follows:

11 Sec. 568.009. CHANGE OF ADDRESS OR EMPLOYMENT. Not later  
12 than the 10th day after the date of a change of address or  
13 employment, a pharmacy technician or a pharmacy technician trainee  
14 shall notify the board in writing of the change.

15 SECTION 29. Subsections (a) and (c), Section 569.001,  
16 Occupations Code, are amended to read as follows:

17 (a) Every insurer or other entity providing pharmacist's  
18 professional liability insurance, pharmacy technician professional  
19 and supplemental liability insurance, or druggist's professional  
20 liability insurance covering a pharmacist, pharmacy technician,  
21 pharmacy technician trainee, or pharmacy license holder in this  
22 state shall submit to the board the information described in  
23 Section 569.002 at the time prescribed.

24 (c) If a pharmacist, pharmacy technician, pharmacy  
25 technician trainee, or pharmacy licensed in this state does not  
26 carry or is not covered by pharmacist's professional liability  
27 insurance, pharmacy technician professional and supplemental

1 liability insurance, or druggist's professional liability  
2 insurance and is insured by a nonadmitted carrier or other entity  
3 providing pharmacy professional liability insurance that does not  
4 report under this subtitle, the duty to report information under  
5 Section 569.002 is the responsibility of the pharmacist, pharmacy  
6 technician, pharmacy technician trainee, or pharmacy license  
7 holder.

8 SECTION 30. Subsection (a), Section 569.002, Occupations  
9 Code, is amended to read as follows:

10 (a) The following information must be furnished to the board  
11 not later than the 30th day after receipt by the insurer of the  
12 notice of claim letter or complaint from the insured:

13 (1) the name of the insured and the insured's state  
14 pharmacy technician registration number, pharmacy technician  
15 trainee registration number, or pharmacist or pharmacy license  
16 number;

17 (2) the policy number; and

18 (3) a copy of the notice of claim letter or complaint.

19 SECTION 31. Subsection (b), Section 569.005, Occupations  
20 Code, is amended to read as follows:

21 (b) The board shall review the information relating to a  
22 pharmacist, pharmacy technician, pharmacy technician trainee, or  
23 pharmacy license holder against whom at least three professional  
24 liability claims have been reported within a five-year period in  
25 the same manner as if a complaint against the pharmacist, pharmacy  
26 technician, pharmacy technician trainee, or pharmacy license  
27 holder had been made under Chapter 555.

1 SECTION 32. Subsection (i), Section 411.081, Government  
2 Code, is amended to read as follows:

3 (i) A criminal justice agency may disclose criminal history  
4 record information that is the subject of an order of nondisclosure  
5 under Subsection (d) to the following noncriminal justice agencies  
6 or entities only:

7 (1) the State Board for Educator Certification;

8 (2) a school district, charter school, private school,  
9 regional education service center, commercial transportation  
10 company, or education shared service arrangement;

11 (3) the Texas Medical Board;

12 (4) the Texas School for the Blind and Visually  
13 Impaired;

14 (5) the Board of Law Examiners;

15 (6) the State Bar of Texas;

16 (7) a district court regarding a petition for name  
17 change under Subchapter B, Chapter 45, Family Code;

18 (8) the Texas School for the Deaf;

19 (9) the Department of Family and Protective Services;

20 (10) the Texas Juvenile Justice Department [~~Youth~~  
21 ~~Commission~~];

22 (11) the Department of Assistive and Rehabilitative  
23 Services;

24 (12) the Department of State Health Services, a local  
25 mental health service, a local mental retardation authority, or a  
26 community center providing services to persons with mental illness  
27 or retardation;

- 1           (13) the Texas Private Security Board;
- 2           (14) a municipal or volunteer fire department;
- 3           (15) the Texas Board of Nursing;
- 4           (16) a safe house providing shelter to children in  
5 harmful situations;
- 6           (17) a public or nonprofit hospital or hospital  
7 district;
- 8           (18) [~~the Texas Juvenile Probation Commission,~~  
9           [~~(19)~~] the securities commissioner, the banking  
10 commissioner, the savings and mortgage lending commissioner, the  
11 consumer credit commissioner, or the credit union commissioner;
- 12           (19) [~~(20)~~] the Texas State Board of Public  
13 Accountancy;
- 14           (20) [~~(21)~~] the Texas Department of Licensing and  
15 Regulation;
- 16           (21) [~~(22)~~] the Health and Human Services Commission;
- 17           (22) [~~(23)~~] the Department of Aging and Disability  
18 Services;
- 19           (23) [~~(24)~~] the Texas Education Agency;
- 20           (24) [~~(25)~~] the Guardianship Certification Board;
- 21           (25) [~~(26)~~] a county clerk's office in relation to a  
22 proceeding for the appointment of a guardian under Chapter XIII,  
23 Texas Probate Code;
- 24           (26) [~~(27)~~] the Department of Information Resources  
25 but only regarding an employee, applicant for employment,  
26 contractor, subcontractor, intern, or volunteer who provides  
27 network security services under Chapter 2059 to:

- 1 (A) the Department of Information Resources; or  
2 (B) a contractor or subcontractor of the  
3 Department of Information Resources;  
4 (27) [~~(28)~~] the Court Reporters Certification Board;  
5 (28) [~~(29)~~] the Texas Department of Insurance; [~~and~~]  
6 (29) [~~(30)~~] the Teacher Retirement System of Texas;  
7 and  
8 (30) the Texas State Board of Pharmacy.

9 SECTION 33. The following provisions of the Occupations  
10 Code are repealed:

- 11 (1) Chapter 567; and  
12 (2) Section 568.007.

13 SECTION 34. This Act takes effect immediately if it  
14 receives a vote of two-thirds of all the members elected to each  
15 house, as provided by Section 39, Article III, Texas Constitution.  
16 If this Act does not receive the vote necessary for immediate  
17 effect, this Act takes effect September 1, 2013.

David Newkirk  
President of the Senate

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 869 passed the Senate on April 11, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Datsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 869 passed the House, with amendment, on May 17, 2013, by the following vote: Yeas 129, Nays 5, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

14 JUNE '13  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10PM O'CLOCK

JUN 14 2013

[Signature]  
Secretary of State