

MINUTES
PUBLIC SAFETY COMMISSION
December 17, 2015
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on December 17, 2015. Attending the meeting were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores and Steven Mach. A quorum was present at the meeting. DPS staff members and guests were also present.

CALL TO ORDER (0:00:16)

The meeting was called to order by Chairman Leon at 10:03 a.m. Proper notice had been posted.

APPROVAL OF MINUTES (0:00:55)

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving the minutes from the October 15, 2015 meeting. Motion passed unanimously.

PUBLIC COMMENT (0:01:13)

-Andrea Brauer – Executive Director, Texas Gun Sense (non-profit gun violence prevention organization) – spoke on the topic of open carry and gun violence prevention. A letter was submitted to DPS requesting DPS share information with licensees regarding restraint holster training via website, correspondence, etc. and stated she has not received a response. Chairman Leon tasked AD Bowie to issue a written response to Ms. Brauer's letter.

-Heather Fazio – spoke in favor of the Texas Compassionate Use Act and commended DPS for their hard work in instituting rules and regulations. They will continue working with the Legislature to include cancer patients and veterans with PTSD.

DIRECTORS REPORT (0:13:17)

A. Presentations

Service Awards

Bruce Tabor – 40 years

Eddie Williams Sr. – 40 years

Lifesaving Award

Trooper William Grauzer

Trooper Katrina Jones

Directors Award

Tom Clutts

National Center for Missing and Exploited Children 2015 Hero Award

Special Agent Chris Kindell

Trooper Bradley Vick

Texas Association of State Systems for Computing and Communications Excellence Award

John Crawford

(0:30:29) Break 10:32 – 10:44 a.m.

Chairman Leon acknowledged the following individuals attending the meeting:

Suzanne Mackowiak – Lieutenant Governor's Office

Brady Vaughn – Senate Finance

Libby Elliott – Governor's Office

John Horchek – Governor's Office

John Wielmaker – Legislative Budget Board

Fischer Reynolds – Legislative Budget Board

DIRECTORS REPORT**Report on Driver License Outages** (0:31:36)

At the request of Director McCraw, AD Peters provided an update on Driver License outages:

- FY15 – AAMVA data was down 61.38 business time hours
- 41% downtime thru AAMVA systems (gateway to federal data systems)
- 88.32 hours (59%) of that downtime was due directly to external systems
- FY15 there were 62 outages originating on 45 different days
- Texas.gov (ePay system) had 15 outages, totaling 10 days 18 hours
- DL system had 13 outages, totaling 38 days 10 hours of down business time
- Archive database had 7 outages, totaling 45.7 hours
- Currently moving DL Applications to a new infrastructure to be completed by January 2016
- FY16 (to date) 24 outages, totaling 19 days 17 hours

- Chairman Leon requested another update at the February meeting and Commissioner Mach requested an organizational chart depicting how all the systems work together from origination point to customer

B. Briefing on Operation Secure Texas (0:43:44)

Director McCraw provided a brief on Operation Secure Texas:

- Integrated network (CBP/DPS/Local Law Enforcement)
- Boats – 8 Deployed / 5 Pending
- Tactical Marine Unit Personnel 39
- Cameras Installed (as of November 2015) 258 / Total 2,115
- Aerostats – 3 Deployed / DPS pending contract for service
- Aviation – 14 Deployed / 1 High Altitude Fixed Wing pending / Total Personnel 37
- Troopers Assigned 589 / Total Personnel 1,138
- High Threat Criminal Arrests (last 60 days) 2,388 / Total 21,154
- Public Corruption (last 60 days) 13 Arrests / 44 Arrests Total
- Drugs Seized (last 60 days) 98,455,689 (DPS only)
- Currency Seized (last 60 days) \$2,801,312 / Total \$19,689,342
- Unaccompanied Children (last 60 days) 8,374 / FY 2015 31,109

C. Racial Profiling (1:18:45)

- Texas Code of Criminal Procedure Article 2.132 requires the department to report data elements to TCOLE (in addition, we also report to the Governor's Office and the State Legislature):
 - *Number of Vehicle Stops
 - *Type of Race or Ethnicity of Person Stopped
 - *Number of Stops Where Race or Ethnicity is Known Prior to Stop
 - *Number of Stops in Which Search Was Conducted
 - *Number of Searches in Which Consent Was Received Prior to the Search
 - *DPS also reports stop results in citation or warning
- General Counsel conducted a review to ensure the department was in full compliance with statute and all requirements
- DPS has zero tolerance on racial profiling; 40 allegations, none sustained
- Best evidence we have is video
- System doesn't recognize "Hispanic" or "Other" when it populates
- Change occurred in 2010 adding "Hispanic" to the DL system
- New policy initiated that Troopers will ask Race or Ethnicity and manually input into ticket for individuals to review when ticket is printed

NEW BUSINESS

A. Update on SUV Deployment (1:46:42)

AD Gonzalez provided an update on SUV deployment:

- Replaced camera heads with new cameras that provide 180° panoramic view
- August 2014 fleet consisted of 70% sedans (1,548) and 30% SUVs (668)
- 2015 fleet consisted of 64% sedans (1,474) and 36% SUVs (827)
- 2016 fleet will transition to all SUVs (Chevrolet Tahoe/Ford Explorer)
- Ford outperforms the Tahoe in speed
- Tahoe \$43,300 (purchased 350 – FY16) / Ford \$36,320 (purchased 226 FY16)
- After 2016 purchases, fleet will consist of 48% sedans (1,202) and 52% SUVs (1,313)

B. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

1. Amendments to 37 TAC Section 14.12 and Section 14.14, concerning School Bus Driver Qualifications (1:56:29)

2. Amendments to 37 TAC Section 14.52, concerning Texas School Bus Specifications

A motion was made by Commissioner Flores, seconded by Commissioner Mach, approving New Business, Items B1 and B2 for publication to receive public comment. Motion passed unanimously.

ONGOING BUSINESS

A. Report, discussion, and possible adoption of the following previously published rules:

1. Amendments to 37 TAC Section 1.129, concerning Fees for Sale of Motor Vehicle Crash Reports in Highway Patrol Field Offices (1:59:15)

No comments.

A motion was made by Commissioner Johnson, seconded by Commissioner Mach, adopting Ongoing Business, Item A1. Motion passed unanimously.

NEW BUSINESS

B. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

3. Amendments to 37 TAC Section 15.7, concerning Occupational License (Essential Need) (2:00:23)

4. Simultaneous repeal of current 37 TAC Section 15.23 and proposed new 37 TAC Section 15.23, concerning Names

5. Amendments to 37 TAC Section 15.42, concerning Social Security Number

6. Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Tests

7. New 37 TAC Section 15.63, concerning Out-of-State Examinations and Applications

8. Repeal of 37 TAC Sections 15.91 – 15.93, concerning Reciprocity in Driver Licensing
A motion was made by Commissioner Flores, seconded by Commissioner Johnson, approving New Business, Items B3 – B8, for publication to receive public comment. Motion passed unanimously.

ONGOING BUSINESS

A. Report, discussion, and possible adoption of the following previously published rules:
3. Simultaneous repeal of 37 TAC Section 1.231, concerning Procedures for Vendor Protests of Procurements and proposed new 37 TAC Sections 1.262 – 1.264, concerning Contracting (2:05:28)

No Comments.

A motion was made by Commissioner Mach, seconded by Commissioner Flores, adopting Ongoing Business, Item A3. Motion passed unanimously.

2. Amendments to 37 TAC Section 1.143, concerning Use of Unmanned Aircraft by a Law Enforcement Authority (2:06:54)

No comments.

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, adopting Ongoing Business, Item A2. Motion passed unanimously.

AD Nabors advised that a former United States Marine pilot has been selected and will be the first non-commissioned DPS pilot. He will be stationed in Edinburg with an effective date of February 1, 2016.

4. Repeal of 37 TAC Section 3.146 and proposed new 37 TAC Section 8.7, concerning Prohibited Weapons (2:09:51)

No comments.

5. New 37 TAC Section 8.21 and Section 8.22, concerning Unmanned Aerial Vehicles at the Capitol Complex

No comments.

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, adopting Ongoing Business, Items A4 and A5. Motion passed unanimously.

6. New 37 TAC Chapter 12, concerning Compassionate-Use/Low-THC Cannabis Program (2:11:45)

Comments received and addressed.

A motion was made by Commissioner Flores, seconded by Commissioner Johnson, adopting Ongoing Business, Item A6. Motion passed unanimously.

7. Amendments to 37 TAC Sections 35.181 – 35.183 and new Section 35.185, concerning Active Military and Spouses – Special Conditions (2:15:49)

No comments.

A motion was made by Commissioner Johnson, seconded by Commissioner Flores, adopting Ongoing Business, Item A7. Motion passed unanimously.

8. Simultaneous repeal of current 37 TAC Chapter 36, concerning Metals Registration and proposed new 37 TAC Chapter 36, concerning Metals Recycling Entities (2:16:49)

No comments.

A motion was made by Commissioner Flores, seconded by Commissioner Johnson, adopting Ongoing Business, Item A8. Motion passed unanimously.

B. Update report, discussion and possible action regarding recruitment (2:18:14)

AD Woodall provided an update on recruitment:

- 100 new troopers will graduate tomorrow (12/18/15) at 10:00 a.m.
- 155th Class starts on January 10, 2016 with 160 applicants
- B-2016 Class begins March 2016 with 16 active and 1,325 applications
- C-2016 Class begins July 2016 and currently has 1,023 applications

C. Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure, approval of personnel placements and salaries pursuant to Government Code Chapter 411, Secs. 411.005, 411.006 and 411.0071 (2:19:51)

None.

D. Report, discussion, and possible action regarding the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team (2:20:03)

None.

E. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

To be discussed during Executive Session.

REPORTS (2:20:09)

A. Commission member reports and discussion - none

B. Finance Report - none

C. Chief Auditors Office - none

D. Division status reports on activities and action - none

CONSENT ITEMS (2:20:23)

A. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Robert K. Bratten Jr., Tony R. Fulton, Eric C. Haltom, William H. Hogg, James A. Pearce, Ray A. Woods and James H. York; Special Texas Rangers: Rolando Castaneda

B. Donations:

1. Additional donation items, as needed

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving Consent Item A. Motion passed unanimously.

ITEMS FOR FUTURE AGENDA (2:21:01)

Update on Driver License Outage – AD Joe Peters

DATE FOR FUTURE MEETING (2:21:36)

Discharge hearing is scheduled for February 10, 2016, and the regular Public Safety Commission meeting is scheduled for February 11, 2016.

ADJOURN INTO EXECUTIVE SESSION (2:21:54)

The Commission adjourned into Executive Session to discuss security issues, to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations. Executive Session began at 12:36 p.m.

The Public Safety Commission reconvened this open session at 3:29 p.m. Commissioners present were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores and Steven Mach.

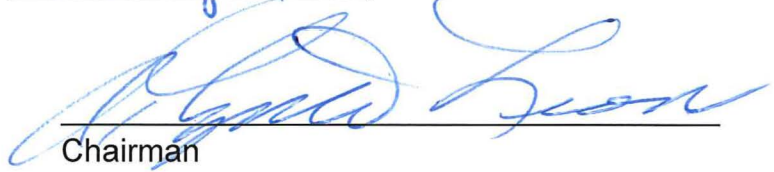
Commissioner Mach acknowledged Chairman Leon and Commissioner Johnson as they approach the end of their terms and hopes to continue working with them in the future.

ADJOURN

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 3:31 p.m.

Read and approved this 14th day of February, 2016.


Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter I
Section 1.129

The Texas Department of Public Safety (the department) adopts amendments to §1.129, concerning Fees for Sale of Motor Vehicle Crash Reports in Highway Patrol Field Offices. This section is adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6287) and will not be republished.

These amendments are intended to implement the requirements of House Bill 2633, enacted by the 84th Texas Legislature. The amendments include criteria for obtaining a redacted or un-redacted copy of the crash report from highway patrol field offices. The proposal also reflects minor changes that revise or remove obsolete language.

No comments were received regarding the adoption of these amendments.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §550.065.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter J
Section 1.143

The Texas Department of Public Safety (the department) adopts amendments to §1.143, concerning Use of Unmanned Aircraft by a Law Enforcement Authority. This section is adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6288) and will not be republished.

These amendments are necessary to update the rule with new guidance from the Federal Aviation Administration regarding public aircraft operations.

No comments were received regarding the adoption of these amendments.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and §423.007 which authorizes the department to adopt rules and guidelines for use of an unmanned aircraft by a law enforcement authority in Texas.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter R
Section 1.231

The Texas Department of Public Safety (the department) adopts the proposed repeal of §1.231, concerning Procedures for Vendor Protests of Procurements. This section is adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6289) and will not be republished.

The repeal of §1.231 is filed simultaneously with proposed new §1.264. These proposals reorganize and update the rules governing contracting, placing all rules related to contracts in one location.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and §2155.076, which requires the department to develop and adopt protest procedures for resolving vendor protests relating to purchasing issues.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter U
Sections 1.262 – 1.264

The Texas Department of Public Safety (the department) adopts new §§1.262 – 1.264, concerning Contracting. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6289) and will not be republished.

Senate Bill 20 of the 84th Legislative Session added new Government Code, §2261.253 which requires state agencies to establish by rule procedures to identify each contract that requires enhanced contract or performance monitoring and submit information on the contract to the agency's governing body. The department has determined that such a rule would enhance contract management policies and that new rules should be implemented.

Specifically, new §1.262 relates to contract monitoring by the contract review board. This new rule explains the procedure for identifying contracts requiring enhanced contract or performance monitoring.

New §1.263, relates to contract monitoring program risk assessment. The new rule articulates the criteria for identifying contracting risks.

This proposal adds §1.264, concerning procedures for vendor protests of procurements to this newly named subchapter, placing all contract related rules within one subchapter. Additionally, it clarifies the procedure for appealing a determination by including the department's deputy director in the review procedure and makes non-substantive updates to the rule language.


No comments were received regarding the adoption of these sections.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; §2155.076, which requires the department to develop and adopt protest procedures for resolving vendor protests relating to purchasing issues; §2261.202, which requires state agencies to adopt rules clearly defining contract monitoring roles and responsibilities and §2001.004(1), which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Highway Patrol
Title 37 T.A.C. Part I, Chapter 3
Subchapter J
Section 3.146

The Texas Department of Public Safety (the department) adopts the repeal of §3.146, concerning Prohibited Weapons. This section is adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6291) and will not be republished.

Pursuant to Government Code, §2001.039, the department reviewed this section and determined the reason for initially adopting this section continues to exist. The repeal of this section is filed simultaneously with proposed new §8.7. The proposed new §8.7 removes the word "concealed" pursuant to House Bill 910, enacted by the 84th Texas Legislature.


No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; §411.062(d) which authorizes the department to adopt rules relating to security of persons and access to and protection of the grounds, public buildings, and property of the state within the Capitol Complex; §411.062(g) which authorizes the Public Safety Commission to authorize the department director to impose measures the director determines to be necessary to protect the safety and security of persons and property within the Capitol Complex; and §2001.039 which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Highway Patrol
Title 37 T.A.C. Part I, Chapter 8
Subchapter A
Section 8.7

The Texas Department of Public Safety (the department) adopts new §8.7, concerning Prohibited Weapons. This section is adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6292) and will not be republished.

This new section is filed simultaneously with the repeal of §3.146. This section was reviewed pursuant to Government Code, §2001.039. During this review, the department determined the reason for initially adopting this section continues to exist. Additionally, this proposal removes the word "concealed" pursuant to House Bill 910, enacted by the 84th Texas Legislature.

No comments were received regarding the adoption of this section.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; §411.062(d) which authorizes the department to adopt rules relating to security of persons and access to and protection of the grounds, public buildings, and property of the state within the Capitol Complex; §411.062(g) which authorizes the Public Safety Commission to authorize the department director to impose measures the director determines to be necessary to protect the safety and security of persons and property within the Capitol Complex; and §2001.039 which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Capitol Complex
Title 37 T.A.C. Part I, Chapter 8
Subchapter B
Section 8.21 and Section 8.22

The Texas Department of Public Safety (the department) adopts new §8.21 and §8.22, concerning Unmanned Aerial Vehicles. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6293) and will not be republished.

This proposal is intended to implement the requirements of House Bill 3628, enacted by the 84th Texas Legislature, which details the limited use of authorized unmanned aircraft in the Capitol Complex.


No comments were received regarding the adoption of these sections.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and §411.062(d-1), which authorizes the director to adopt rules governing the use of unmanned aircraft in the Capitol Complex.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Compassionate-Use/Low-THC Cannabis Program
Title 37 T.A.C. Part I, Chapter 12
Subchapter A
Sections 12.1 – 12.8

The Texas Department of Public Safety (the department) adopts new §§12.1 – 12.8, concerning General Provisions. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6294) and will not be republished.

This new Subchapter A is intended to implement the requirements of Senate Bill 339, enacted by the 84th Texas Legislature. Entitled the "Texas Compassionate-Use Act," the bill adds new Chapter 487 to the Texas Health and Safety Code and new Chapter 169 to the Texas Occupations Code. The bill requires the Department of Public Safety to license dispensing organizations of low-THC cannabis not later than September 1, 2017 and to establish and maintain a secure, online registry of certain patients with intractable epilepsy and of qualified prescribing physicians. Subchapter A provides definitions, requirements and standards generally applicable to those licensed or registered under the provisions of the bill.

The department accepted comment on the proposed rules through October 19, 2015. Written comments were submitted during this period by Rocco Iannapollo; Jennifer Holland, of Foodhandlerclasses.com; Rolando Legaretta; Leslie McAhren, Executive Director of CG Corrigan, Inc.; and Adam Socki.

Included in the comments received by the department were items interpreted as requests for information or questions about the meaning of certain items, and not rule comments. These items will be addressed by either direct correspondence or website communications. Additional information pertaining to the Compassionate-Use Program can be found at: <http://dps.texas.gov/rsd/CUP/>

The substantive comments, as well as the department's responses thereto, are summarized below.

COMMENT: Relating to proposed §12.1, Definitions, Mr. Socki suggests the department provide clearer definitions of the terms 'production' and 'cultivation.'

RESPONSE: The proposed rules do not currently define these terms. They are statutory terms affecting the scope of criminal prohibitions against possession of marijuana and are not properly defined by administrative rule. Mr. Socki does not propose any definitions, and does not explain why definitions are necessary. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Relating to proposed §12.2, Requirements and Standards, Mr. Iannapollo asks that the department provide guidance on what information is to be included in a licensee's recall notice to recipients of the licensee's product. Similarly, Ms. McAhren suggests the process should be "spelled out even further."

RESPONSE: The proposed rule currently requires licensees have a plan for recalling their products and for notifying anyone to whom the product has been distributed or sold that the product is being recalled. At this time, prior to implementation of the program, it is not apparent that further details are necessary or appropriate. This may change as the program develops. Neither Mr. Iannapollo nor Ms. McAhren provide any specific suggestions for how this rule can be improved. The department disagrees with the comments and will not be modifying the proposal.

COMMENT: Also relating to proposed §12.2, Requirements and Standards, Ms. McAhren asks that the department add language to subsection (b) of §12.2 to require the surrender of the terminated employee's identification.

RESPONSE: It is not clear whether the comment is referring to the department issued registration card or an employer issued identification card. The department issued cards need not be surrendered upon termination of employment. As to employer issued cards, licensees are not required to issue employee identification cards under the rules as proposed. However, should the licensee choose to do so, the manner in which such cards are returned is within the discretion of the licensee. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: In the context of her above comment, Ms. McAhren also recommends the issuance of an identification card to "everyone who works for the program in the state."

RESPONSE: The department will be issuing photo identification cards to all registrants. The department does not believe this comment requires any modification to the proposal.

COMMENT: Jennifer Holland suggests the rules require "some sort of training or course so that the employee has knowledge of their job duties and requirements." As Ms. Holland does not direct this comment to a specific rule, the department will address it in the context of §12.2, Requirements and Standards.

RESPONSE: Training of employees is a matter within the responsibility and discretion of the employing licensee. As Ms. Holland offers no training recommendations or reasons for them the department believes the current requirements are sufficient and will not be modifying the proposal.

COMMENT: Relating to proposed §12.4, Records, Mr. Iannapollo asks the department clarify whether the requirement under proposed §12.4 (b)(2) to maintain records of sales is satisfied by a summary or whether the records must be detailed.

RESPONSE: The proposed rule addresses the retention requirements of licensees' sales records; it does not address the form those records take. The types of sales records a licensee maintains will be determined by several factors, including other rules, local or state regulations, and primarily by the licensee's business practices. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Also relating to proposed §12.4, Records, Ms. McAhren suggests the requirement under proposed §12.4(a) to maintain records for two years may be insufficient.

RESPONSE: Ms. McAhren does not explain why the proposed two year retention policy is insufficient, but merely indicates some (unidentified) records may need to be kept permanently. For purposes of the administration of the program, the department believes two years is a sufficient record retention period. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Relating to proposed §12.4, Records, Mr. Iannapollo also asks whether the reference to “raw materials” proposed §12.4 (b)(3)(B), relating to transportation records, includes business supplies.

RESPONSE: The proposed rule relates to records on “raw materials used in ... the production or cultivation of low-THC cannabis.” The department does not interpret the term “raw material” in this context to include business supplies. The department will not be modifying the proposal.

COMMENT: Relating to proposed §12.4, Records, Mr. Legarreta notes that the use of the term “sativa” in subsection (b)(3)(B) inappropriately limits the application of the rule to one variety of cannabis, excluding Indica and Hybrid varieties.

RESPONSE: The rule language mirrors the statutory language and requires the maintenance of records on the transportation of the variety of cannabis plant authorized for use in the processing of low-THC cannabis. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Relating to proposed §12.4, Records, Mr. Iannapollo asks that the department clarify whether the requirement under proposed §12.4 (b)(2) to maintain records of sales is satisfied by a summary or whether the records must be detailed.

RESPONSE: The proposed rule addresses the retention requirements of licensees’ sales records; it does not address the form those records take. The types of sales records a licensee maintains will be determined by several factors, including local or state regulations, and primarily by the licensee’s business practices. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Relating to proposed §12.5, Address on File, Ms. McAhren states “the information needs to be stored in accordance with HIPAA patient privacy and stored on an off-server (closed circuit) computer.”

RESPONSE: The proposed rule requires licensees and their registered employees maintain their current addresses on file with the department; the rule does not implicate patient records. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Relating to proposed §12.7, Testing, Production, and Packaging, Ms. McAhren indicates “testing semi-annually and only testing 1% of the total production may be too infrequent.”

RESPONSE: The comment appears to address an earlier draft of the rule previously published on the department’s website. The proposed rule does not reflect such requirements; rather, the

rule incorporates various testing related state and federal standards. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Relating to proposed §12.8, Inventory Control System, Mr. Iannapollo asks for further detail in how the licensee's inventory control system is to interact with the department's centralized registry system.

RESPONSE: The manner in which the computer systems interact is a technical issue not appropriately addressed by these administrative rules. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Also relating to proposed §12.8, Inventory Control System, Mr. Iannapollo asks for the specific requirements relating to audit reports.


RESPONSE: The contents of an audit report are generally implied by the inventory control requirements provided in the proposed rule, and will otherwise be dependent on the specific circumstances surrounding the discovery of a discrepancy. At this time, prior to implementation of the program, it is not apparent that further details are necessary or appropriate. This may change as the program develops. The department disagrees with the comment and will not be modifying the proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Health and Safety Code, §487.052, which requires the department adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Compassionate-Use/Low-THC Cannabis Program
Title 37 T.A.C. Part I, Chapter 12
Subchapter B
Sections 12.11 – 12.16

The Texas Department of Public Safety (the department) adopts new §§12.11 – 12.16, concerning Application and Renewal. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6298) and will not be republished.

This new Subchapter B is intended to implement the requirements of Senate Bill 339, enacted by the 84th Texas Legislature. Entitled the "Texas Compassionate-Use Act," the bill adds new Chapter 487 to the Texas Health and Safety Code and new Chapter 169 to the Texas Occupations Code. The bill requires the Department of Public Safety to license dispensing organizations of low-THC cannabis not later than September 1, 2017 and to establish and maintain a secure, online registry of certain patients with intractable epilepsy and of qualified prescribing physicians. Subchapter B provides application and renewal requirements for licensure and registration under the provisions of the bill, including the application fees, as well as provisions for the denial of applications.

The department accepted comment on the proposed rules through October 19, 2015. Written comments were submitted during this period by Rocco Iannapolo; and Leslie McAhren, Executive Director of CG Corrigan, Inc.

Included in the comments received by the department were items interpreted as requests for information or questions about the meaning of certain items, and not rule comments. These items will be addressed by either direct correspondence or website communications. Additional information pertaining to the Compassionate-Use Program can be found at: <http://dps.texas.gov/rsd/CUP/>

The rule substantive comments, as well as the department's responses thereto, are summarized below.

COMMENT: Relating to proposed §12.11, Application for License, Ms. McAhren asks several questions relating to product testing, the prohibition of particular substances or contaminants, and the disposal of waste water. She also recommends the rules require a fire department occupancy certificate and that vehicles have a secure lock box.

RESPONSE: The comments appear to address an earlier version of the rule previously published on the department's website. The currently proposed rules address these issues. Testing requirements are addressed in proposed §12.7, which incorporates various testing related state and federal standards. Contaminants are also addressed in proposed §12.2 (o). Fire regulations and local regulations generally are addressed in §12.2 (m). Waste water is addressed in §12.2 (n). And vehicle security, including the requirement of a lock box, is addressed in

proposed §12.32. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Also relating to proposed §12.11, Application for License, Ms. McAhren asks for greater specificity in the rule requiring a method of screening and monitoring employees. She suggests the rule require an annual FBI background check, as an example.

RESPONSE: The manner in which a licensee screens and monitors its employees is a business decision within the discretion of the licensee. The standard applied by the department to such decisions is whether the licensee is successful in preventing diversion or theft. As to an FBI background check, licensees are not legally authorized to obtain FBI background checks. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Also relating to proposed §12.11, Application for License, Ms. McAhren suggests the rules should prohibit cannabis production and retail facilities within one thousand feet of schools, churches, daycares, or playgrounds. Ms. McAhren cites to the federal Controlled Substances Act and related regulations, as they relate to drug free school zones, as authority for this proposal.

RESPONSE: The federal and the Texas state laws governing drug free school zones do not create offenses; they are enhancement provisions establishing additional criminal penalties for the commission of certain drug related crimes within the specified zone. SB 339 exempts licensees from the offenses of delivery and of possession of marijuana (Tex. Health & Safety Code §481.120 and §481.121, respectively) under certain circumstances, generally when the delivery or possession is regulated under the bill. Therefore the enhancement provisions of 481.134 would not apply to these offenses committed by a licensee in the course and scope of regulated functions. For this reason an administrative rule prohibiting the licensee from operating within a certain distance of a school could not be supported by reference to the existing laws on drug free school zones, and is not clear that such a rule would be authorized under the current statute. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: In the context of her comment on proposed §12.11's provisions on an applicant's financial ability to support its operations, Ms. McAhren suggests changes to the application fee as provided in proposed §12.14. She recommends lowering the fees for the first three years in order to "lower the barrier to entry."

RESPONSE: SB 339 requires the application fee be sufficient to cover the costs associated with administering the program. It is not within the discretion of the department to modify the fees in the manner proposed. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Ms. McAhren recommends the addition to proposed §12.13 of an annual financial audit to the list of required items at renewal.

RESPONSE: Proposed §12.13(b) specifically requires a department inspection prior to approval of the renewal application. The inspection includes the verification of all items listed in proposed §12.11 for an original application, including certain financial records. Ms. McAhren provides no recommended items for her proposed financial audit. The department believes the

requirements of proposed §12.11 are sufficient. At this time, prior to implementation of the program, it is not apparent that further requirements are necessary or appropriate. This may change as the program develops. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Also relating to proposed §12.11, Application for License, Mr. Iannapollo comments on subsection (b)(6)(C)(xii), relating to recall procedures. The rule requires an applicant have "recall procedures for any product that has a reasonable probability of causing adverse health consequences based on a testing result, patient reaction, or other reason." Mr. Iannapollo states that "patient reaction or other reason" is "really broad."

RESPONSE: The purpose of the rule is to require recall procedures when the licensee determines there is a possibility of an adverse health consequence. This purpose would not be served by limiting the manner in which the licensee can make such a determination. The department disagrees with the comment and will not be modifying the proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Health and Safety Code, §487.052, which requires the department adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, reading "A. Cynthia Leon", is written over a horizontal line.

A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Compassionate-Use/Low-THC Cannabis Program
Title 37 T.A.C. Part I, Chapter 12
Subchapter C
Sections 12.21 – 12.25

The Texas Department of Public Safety (the department) adopts new §§12.21 – 12.25, concerning Compliance and Enforcement. These sections are adopted with a change to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6301) and will be republished. The department is correcting a grammatical error and changing 23.23(d) from “a individual” to “an individual”.

The proposed new Subchapter C is intended to implement the requirements of Senate Bill 339, enacted by the 84th Texas Legislature. Entitled the "Texas Compassionate-Use Act," the bill adds new Chapter 487 to the Texas Health and Safety Code and new Chapter 169 to the Texas Occupations Code. The bill requires the Department of Public Safety to license dispensing organizations of low-THC cannabis not later than September 1, 2017 and to establish and maintain a secure, online registry of certain patients with intractable epilepsy and of qualified prescribing physicians. Subchapter C provides compliance and enforcement standards, including inspection standards provisions for the suspension and revocation of licenses and registrations.

The department accepted comment on the proposed rules through October 19, 2015. Written comments were submitted during this period by Leslie McAhren, Executive Director of CG Corrigan, Inc.

Included in the comments received by the department were items interpreted as requests for information or questions about the meaning of certain items, and not rule comments. These items will be addressed by either direct correspondence or website communications. Additional information pertaining to the Compassionate-Use Program can be found at: <http://dps.texas.gov/rsd/CUP/>

The substantive comments, as well as the department's responses thereto, are summarized below.

COMMENT: Relating to proposed §12.21, Inspections, Ms. McAhren recommends the inclusion of the following additional language: “... at any time during normal business hours and with 24 hours notice and without notice if issues of impropriety are suspected.”


RESPONSE: The current proposal provides for entry by the department “at any time during regular business hours.” A requirement of prior notice would not serve the department's mission of ensuring compliance. The department disagrees with the comment and will not be modifying the proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Health and Safety Code, §487.052, which requires the department adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Compassionate-Use/Low-THC Cannabis Program
Title 37 T.A.C. Part I, Chapter 12
Subchapter D
Sections 12.31 - 12.34

The Texas Department of Public Safety (the department) adopts new §§12.31 – 12.34, concerning Security. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6303) and will not be republished.

The proposed new Subchapter D is intended to implement the requirements of Senate Bill 339, enacted by the 84th Texas Legislature. Entitled the "Texas Compassionate-Use Act," the bill adds new Chapter 487 to the Texas Health and Safety Code and new Chapter 169 to the Texas Occupations Code. The bill requires the Department of Public Safety to license dispensing organizations of low-THC cannabis not later than September 1, 2017 and to establish and maintain a secure, online registry of certain patients with intractable epilepsy and of qualified prescribing physicians. Subchapter D provides standards relating to the security of licensee's facilities and vehicles.

The department accepted comment on the proposed rules through October 19, 2015. Written comments were submitted during this period by Leslie McAhren, Executive Director of CG Corrigan, Inc.

Included in the comments received by the department were items interpreted as requests for information or questions about the meaning of certain items, and not rule comments. These items will be addressed by either direct correspondence or website communications. Additional information pertaining to the Compassionate-Use Program can be found at: <http://dps.texas.gov/rsd/CUP/>

The substantive comments, as well as the department's responses thereto, are summarized below.

COMMENT: Relating to proposed §12.31, Security of Facilities, Ms. McAhren suggests the rules expressly require security cameras with a digital video recorder, and a maintenance log.

RESPONSE: The proposed rule requires the licensee maintain effective controls and procedures in order to prevent unauthorized access, theft, or diversion. While the satisfaction of this standard may in certain circumstances require security cameras, the department believes the licensee is best situated to evaluate the risks and determine the type and level of security appropriate for the facilities. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Relating to proposed §12.33, Response to Security Breach, Ms. McAhren recommends the rule require licensees obtain property loss insurance.

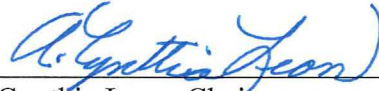
RESPONSE: SB 339 provides no express authority for such a requirement. Moreover, such a requirement would impose a cost on all licensees that may not be necessary for all. The need for such insurance is properly left within the discretion of the licensee. The department disagrees with the comment and will not be modifying the proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Health and Safety Code, §487.052, which requires the department adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, reading "A. Cynthia Leon", is written over a horizontal line.

A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Compassionate-Use/Low-THC Cannabis Program
Title 37 T.A.C. Part I, Chapter 12
Subchapter E
Sections 12.41 – 12.44

The Texas Department of Public Safety (the department) adopts new §§12.41 – 12.44, concerning Compassionate-Use Registry. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6305) and will not be republished.

The proposed new Subchapter E is intended to implement the requirements of Senate Bill 339, enacted by the 84th Texas Legislature. Entitled the "Texas Compassionate-Use Act," the bill adds new Chapter 487 to the Texas Health and Safety Code and new Chapter 169 to the Texas Occupations Code. The bill requires the Department of Public Safety to license dispensing organizations of low-THC cannabis not later than September 1, 2017 and to establish and maintain a secure, online registry of certain patients with intractable epilepsy and of qualified prescribing physicians. Subchapter E provides guidelines for access to and registration in the Compassionate-Use Registry.

The department accepted comment on the proposed rules through October 19, 2015. Written comments were submitted during this period by Johnna Carlson, on behalf of Texas Children's Hospital; and Rolando Legaretta.

Included in the comments received by the department were items interpreted as requests for information or questions about the meaning of certain items, and not rule comments. These items will be addressed by either direct correspondence or website communications. Additional information pertaining to the Compassionate-Use Program can be found at: <http://dps.texas.gov/rsd/CUP/>

The substantive comments, as well as the department's responses thereto, are summarized below.

COMMENT: Relating to proposed §12.43, Prescriber Registration, Mr. Legaretta states: "Physicians cannot prescribe cannabis products; they can recommend; but not prescribe." The department interprets this statement as a recommendation to change the proposed rule references from 'prescription' to 'recommendation.'

RESPONSE: 'Prescription,' and 'prescribing,' are statutory terms that appear throughout SB 339. The bill contemplates the issuance of prescriptions authorizing the patient to obtain low-THC cannabis. Modification of this scheme would require legislative action and is not within the authority of the department to affect by administrative rule. Moreover, attempting to do so could also have implications for the exemptions from the criminal offense provisions of the Health and Safety Code, Chapter 481 relating to possession of marijuana. The application of the exemption requires a prescription issued under the provisions of SB 339. The department disagrees with the comment and will not be modifying the proposal.

COMMENT: Ms. Carlson raises a concern about a potential statutory conflict between SB 339's provisions and certain provisions of the Family Code. Specifically, she is concerned that the Family Code's provisions relating to the reporting of child abuse may require medical professionals to report a child's use of low-THC cannabis. See Texas Family Code, §261.101. Ms. Carlson asks that the department provide clarification of this issue in the proposed rules, and suggests proposed §12.44 as the appropriate section for such clarification.

RESPONSE: The reconciliation of this alleged statutory conflict is not appropriately addressed by the department's administrative rules. The department disagrees with the comment and will not be modifying the proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Health and Safety Code, §487.052, which requires the department adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, reading "A. Cynthia Leon", is written over a horizontal line.

A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Compassionate-Use/Low-THC Cannabis Program
Title 37 T.A.C. Part I, Chapter 12
Subchapter F
Sections 12.51 – 12.55

The Texas Department of Public Safety (the department) adopts new §§12.51 – 12.55, concerning Special Conditions for Military Service Members and Spouses. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6306) and will not be republished.

The proposed new Subchapter F is intended to implement the requirements of Senate Bill 339, enacted by the 84th Texas Legislature. Entitled the "Texas Compassionate-Use Act," the bill adds new Chapter 487 to the Texas Health and Safety Code and new Chapter 169 to the Texas Occupations Code. The bill requires the Department of Public Safety to license dispensing organization of low-THC cannabis and to establish and maintain a secure, online registry of certain patients with intractable epilepsy and of qualified prescribing physicians. Subchapter F provides special licensing conditions for certain military service members and their spouses, and is intended to comply with the requirements of Texas Occupations Code, Chapter 55, as amended by Senate Bill 1307, 84th Legislative Session.


No comments were received regarding the adoption of these sections.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Health and Safety Code, §487.052, which requires the department adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter O
Sections 35.181 – 35.183, 35.185

The Texas Department of Public Safety (the department) adopts amendments to §§35.181 – 35.183, and new §35.185, concerning Military Service Members, Military Veterans, and Military Spouses–Special Conditions. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6307) and will not be republished.

These amendments are required by Senate Bill 1307, 84th Legislative Session. The bill amends Chapter 55 of the Occupations Code and addresses special application and licensing provisions for military service members and military spouses applying for occupational licenses.


No comments were received regarding the adoption of these sections.

This proposal is adopted pursuant to Texas Occupations Code, §1702.061(b), which authorizes the board to adopt rules to guide the agency in the administration of this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Registration
Title 37 T.A.C. Part I, Chapter 36
Sections 36.1 – 36.24

The Texas Department of Public Safety (the department) adopts the proposed repeal of §§36.1 – 36.24, concerning Metals Registration. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6308) and will not be republished.

The repeal of §§36.1 - 36.24 is filed simultaneously with proposed new §§36.1 - 36.60. The proposed new Chapter 36 is intended to reorganize and update the rules governing the metals program, improve the clarity, and update the rules to reflect all recent legislative changes.


No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Occupations Code, §1956.013, which allows the commission to adopt rules establishing minimum requirements for registration and adopt required forms; and Texas Occupations Code, §1956.014, which allows the commission to prescribe fees in reasonable amounts sufficient to cover the costs of administering the Act.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities
Title 37 T.A.C. Part I, Chapter 36
Sections 36.1 – 36.4

The Texas Department of Public Safety (the department) adopts new §§36.1 – 36.4, concerning General Provisions. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6309) and will not be republished.

The proposed new Subchapter A is intended to reorganize and update the rules governing the metals program and to generally improve the clarity of the related rules.


No comments were received regarding the adoption of these sections.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Occupations Code, §1956.013, which allows the commission to adopt rules establishing minimum requirements for registration and adopt required forms; and Texas Occupations Code, §1956.014, which allows the commission to prescribe fees in reasonable amounts sufficient to cover the costs of administering the Act.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities
Title 37 T.A.C. Part I, Chapter 36
Subchapter B
Sections 36.11 – 36.18

The Texas Department of Public Safety (the department) adopts new §§36.11 – 36.18, concerning Certificate of Registration. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6310) and will not be republished.

The proposed new Subchapter B is intended to reorganize and update the rules governing the metals program and to generally improve the clarity of the related rules.


No comments were received regarding the adoption of these sections.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Occupations Code, §1956.013, which allows the commission to adopt rules establishing minimum requirements for registration and adopt required forms; and Texas Occupations Code, §1956.014, which allows the commission to prescribe fees in reasonable amounts sufficient to cover the costs of administering the Act.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities
Title 37 T.A.C. Part I, Chapter 36
Subchapter C
Sections 36.31 – 36.37

The Texas Department of Public Safety (the department) adopts new §§36.31 – 36.37, concerning Practice by Certificate Holders and Reporting Requirements. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6312) and will not be republished.

The proposed new Subchapter C is intended to reorganize and update the rules governing the metals program and to generally improve the clarity of the related rules. The proposed new sections also are intended to implement the requirements of House Bill 2187, enacted by the 84th Texas Legislature. The bill requires changes in payment methods and the use of a cash transaction card. The proposal reflects such changes as well as minor changes proposed for the purposes of clarification.

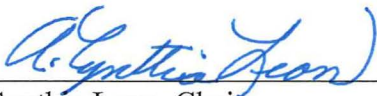
No comments were received regarding the adoption of these sections.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Occupations Code, §1956.013, which allows the commission to adopt rules establishing minimum requirements for registration and adopt required forms; and Texas Occupations Code, §1956.014, which allows the commission to prescribe fees in reasonable amounts sufficient to cover the costs of administering the Act.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities
Title 37 T.A.C. Part I, Chapter 36
Subchapter D
Sections 36.41 – 36.44

The Texas Department of Public Safety (the department) adopts new §§36.41 – 36.44, concerning Military Exemptions. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6314) and will not be republished.

The proposed new Subchapter D is intended to implement the requirements of Senate Bill 1307, enacted by the 84th Texas Legislature. The bill requires the creation of exemptions and extensions for occupational license applications and renewals for military service members, military veterans, and military spouses. The proposal reflects such changes as well as minor changes proposed for the purposes of clarification.


No comments were received regarding the adoption of these sections.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Occupations Code, §1956.013, which allows the commission to adopt rules establishing minimum requirements for registration and adopt required forms; and Texas Occupations Code, §1956.014, which allows the commission to prescribe fees in reasonable amounts sufficient to cover the costs of administering the Act.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 17, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Metals Recycling Entities
Title 37 T.A.C. Part I, Chapter 36
Subchapter E
Sections 36.51 – 36.60

The Texas Department of Public Safety (the department) adopts new §§36.51 – 36.60, concerning Disciplinary Procedures and Administrative Procedures. These sections are adopted without changes to the proposed text as published in the September 18, 2015 issue of the *Texas Register* (40 TexReg 6315) and will not be republished.

The proposed new Subchapter E is intended to reorganize and update the rules governing the metals program and to generally improve the clarity of the related rules. The proposed new sections are also intended to implement the requirements of House Bill 2187, enacted by the 84th Texas Legislature. The bill allows for the imposition of administrative penalties in addition to other administrative actions. The proposal reflects such changes as well as minor changes proposed for the purposes of clarification.

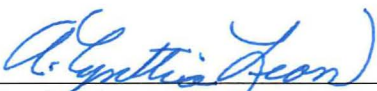
No comments were received regarding the adoption of these sections.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Occupations Code, §1956.013, which allows the commission to adopt rules establishing minimum requirements for registration and adopt required forms; and Texas Occupations Code, §1956.014, which allows the commission to prescribe fees in reasonable amounts sufficient to cover the costs of administering the Act, and Texas Occupations Code, §1956.041, as amended by House Bill 2187, 84th Legislative Session, effective September 1, 2015, which authorizes the commission to impose administrative penalties for certain violations of the Act.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
December, 2015



Special Ranger Applicants:

| Name | Division | Service/Station | Retire Date | Years of Service | Approved |
|------------------------|----------|-----------------|-------------|------------------|----------|
| Bratten Jr., Robert K. | THP | Jourdanton | 8/31/11 | 28 years | |
| Fulton, Tony R. | THP | Wichita Falls | 8/31/15 | 30 years | |
| Haltom, Eric C. | CID | San Antonio | 7/31/15 | 24 years | |
| Hogg, William H | Aviation | Waco | 10/1/15 | 26 years | |
| Pearce, James A. | THP | San Antonio | 8/31/09 | 23 years | |
| Woods, Ray A. | DLD | Carrollton | 5/31/09 | 25 years | |
| York, James H | CID | Tyler | 8/31/96 | 29 years | |

Special Texas Ranger Applicants:

| Name | Division | Service/Station | Retire Date | Years of Service | Approved |
|--------------------|---------------|-----------------|-------------|------------------|----------|
| Castaneda, Rolando | Texas Rangers | McAllen | 4/30/11 | 32 years | |

Approved by the Public Safety Commission on:

Date:

12/17/15