March 3, 2016

To: Assisted Living Facilities (ALFs)

Subject: Provider Letter No. 16-02 – New Information on Handguns in ALFs

House Bill 910 (84th Texas Legislature, Regular Session, 2015), which allows Texans with concealed handgun licenses to openly carry holstered handguns, became effective on January 1, 2016. The Texas Health and Safety Code, Chapter 247, Section 247.065 and Texas Administrative Code (TAC), Title 40, Part 1, Chapter 92, §92.125 states that each ALF provider has the right to maintain an environment free of weapons and drugs and must post the provider's bill of rights in a prominent place. In addition, Texas Penal Code (TPC) §30.06 and §30.07 prohibit a hand gun owner from entering another's property with a concealed handgun or a handgun carried openly without the consent of the property owner.

If a facility provider chooses to allow concealed or openly carried handguns in the facility, the facility's polices and admission agreement must be updated to clearly reflect this decision. Per 40 TAC §92.41(d)(5), documented notification of any changes to the policies must occur before the effective date of the changes. DADS surveyors and investigators will not be allowed to carry a handgun (concealed or openly carried) during visits to facilities.

A facility should post a sign conspicuously in a public area if the facility does not allow a person to carry concealed or openly carried handguns on the facility premises. DADS will not provide signs for facilities; however, should a facility choose to post a sign, the facility should comply with the new requirements for posted signs in TPC §30.06 and §30.07. Further information is available at http://www.txdps.state.tx.us/RSD/CHL/faqs/index.htm. These signs are not specific to ALFs and are optional to use.

If you have any questions, please contact the Policy, Rules & Curriculum Development section at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

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