

By: Campbell

H.B. No. 1805

Substitute the following for H.B. No. 1805:

By: Delisi

C.S.H.B. No. 1805

A BILL TO BE ENTITLED

AN ACT

relating to the provision of alcohol and substance abuse programs
by school districts.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is
amended by adding Section 38.020 to read as follows:

Sec. 38.020. ALCOHOL AND SUBSTANCE ABUSE PROGRAMS. (a) A
school district may provide an alcohol and substance abuse program
developed in consultation with the district's local school health
advisory council established under Section 28.004.

(b) A program provided under this section may:

(1) assist students who are or are becoming alcohol or
substance abusers; and

(2) include the participation of a school counselor
and the employment of a mental health professional, as defined by
Section 164.003, Health and Safety Code.

(c) A program provided under this section must include
procedures for the referral of a student to a treatment facility, as
defined by Section 464.001, Health and Safety Code, as considered
appropriate by the program administrators.

(d) A program provided under this section may not provide
detoxification or residential services.

(e) A school district may provide program services to a
student under this section only if the district obtains the written

1 consent of the student's parent or guardian or another person
2 having legal control of the student in the same form and manner
3 provided for consent under Section 38.053.

4 (f) A school district providing a program under this section
5 shall protect the rights of students receiving program services and
6 maintain the confidentiality of records as required by state and
7 federal law.

8 SECTION 2. Section 464.003, Health and Safety Code, is
9 amended to read as follows:

10 Sec. 464.003. EXEMPTIONS. This subchapter does not apply
11 to:

12 (1) a facility maintained or operated by the federal
13 government;

14 (2) a facility directly operated by the state;

15 (3) a facility licensed by the [~~Texas~~] Department of
16 State Health Services;

17 (4) a program provided by a school district under
18 Section 38.020, Education Code;

19 (5) an educational program for intoxicated drivers;

20 (6) [~~(5)~~] the individual office of a private, licensed
21 health care practitioner who personally renders private individual
22 or group services within the scope of the practitioner's license
23 and in the practitioner's office;

24 (7) [~~(6)~~] an individual who personally provides
25 counseling or support services to a chemically dependent person but
26 does not offer or purport to offer a chemical dependency treatment
27 program; or

1 (8) [~~(7)~~] a 12-step or similar self-help chemical
2 dependency recovery program:

3 (A) that does not offer or purport to offer a
4 chemical dependency treatment program;

5 (B) that does not charge program participants;
6 and

7 (C) in which program participants may maintain
8 anonymity.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2005.