

By: Campbell

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 on one or more campuses in the district.

(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 providing a program under this section shall protect the rights of students receiving program services and maintain the confidentiality of records as required by state and

1 federal law.

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

4 Sec. 464.003. EXEMPTIONS. This subchapter does not apply  
5 to:

6 (1) a facility maintained or operated by the federal  
7 government;

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

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

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

13 (5) an educational program for intoxicated drivers;

14 (6) [~~(5)~~] the individual office of a private, licensed  
15 health care practitioner who personally renders private individual  
16 or group services within the scope of the practitioner's license  
17 and in the practitioner's office;

18 (7) [~~(6)~~] an individual who personally provides  
19 counseling or support services to a chemically dependent person but  
20 does not offer or purport to offer a chemical dependency treatment  
21 program; or

22 (8) [~~(7)~~] a 12-step or similar self-help chemical  
23 dependency recovery program:

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

26 (B) that does not charge program participants;  
27 and

1                   (C) in which program participants may maintain  
2 anonymity.

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