

By: Castro

H.B. No. 1845

A BILL TO BE ENTITLED

AN ACT

relating to counseling in response to alcoholic beverage violations by students at public and private institutions of higher education.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9365 to read as follows:

Sec. 51.9365. COUNSELING CONCERNING ALCOHOLIC BEVERAGE VIOLATIONS. (a) In this section, "general academic teaching institution," "private or independent institution of higher education," and "public junior college" have the meanings assigned by Section 61.003.

(b) A general academic teaching institution or private or independent institution of higher education shall require any student enrolled at the institution, regardless of the student's age, who violates a state or federal law, local ordinance, or institutional rule or policy by selling, giving, or delivering to another person or possessing, using, or being under the influence of an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, to meet for counseling as provided by Subsection (c).

(c) The counseling required by Subsection (b) must:

(1) be provided at least twice, within a reasonable period after the general academic teaching institution or private or independent institution of higher education has notice of a

violation described by Subsection (b);

(2) be provided by a counselor employed by the institution or, if the institution does not otherwise provide student counseling services, by another qualified employee of the institution; and

(3) include a discussion of:

(A) the student's behavioral patterns associated with the violation; and

(B) techniques for monitoring and controlling any personal use of alcoholic beverages.

(d) The dean of students of a general academic teaching institution or private or independent institution of higher education or other appropriate official designated by the chief executive officer of the institution shall coordinate counseling required by Subsection (b).

(e) A public junior college may comply with this section.

SECTION 2. Section 51.9361(g), Education Code, is amended to read as follows:

(g) A program under this section may address any issue determined appropriate by the postsecondary educational institution and must address:

(1) possession and use of alcoholic beverages and illegal drugs, including:

(A) penalties that may be imposed for possession or use; and

(B) counseling under Section 51.9365, as implemented by the institution;

1 (2) hazing;

2 (3) sexual abuse and harassment;

3 (4) fire and other safety issues, including the
4 possession and use of a firearm or other weapon or of an explosive
5 device;

6 (5) travel to a destination outside the area in which
7 the institution is located;

8 (6) behavior at parties and other events held by a
9 student organization; and

10 (7) adoption by a student organization of a risk
11 management policy.

12 SECTION 3. Section 51.9361(g), Education Code, as amended
13 by this Act, and Section 51.9365, Education Code, as added by this
14 Act, apply beginning with the 2011 fall semester.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.