

By: Moody, Wu

H.B. No. 3164

Substitute the following for H.B. No. 3164:

By: Frank

C.S.H.B. No. 3164

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of substance abuse facilities and
3 programs for juveniles.

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

5 SECTION 1. Section 464.003, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 464.003. EXEMPTIONS. This subchapter does not apply
8 to:

9 (1) a facility maintained or operated by the federal
10 government;

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

12 (3) a facility licensed by the department under
13 Chapter 241, 243, 248, 466, or 577;

14 (4) an educational program for intoxicated drivers;

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

19 (6) an individual who personally provides counseling
20 or support services to a person with a chemical dependency but does
21 not offer or purport to offer a chemical dependency treatment
22 program; ~~or~~

23 (7) a 12-step or similar self-help chemical dependency
24 recovery program:

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

3 (B) that does not charge program participants;
4 and

5 (C) in which program participants may maintain
6 anonymity; or

7 (8) a juvenile justice facility or juvenile justice
8 program, as defined by Section 261.405, Family Code.

9 SECTION 2. Section 221.002, Human Resources Code, is
10 amended by amending Subsection (a) and adding Subsection (f) to
11 read as follows:

12 (a) The board shall adopt reasonable rules that provide:

13 (1) minimum standards for personnel, staffing, case
14 loads, programs, facilities, record keeping, equipment, and other
15 aspects of the operation of a juvenile board that are necessary to
16 provide adequate and effective probation services;

17 (2) a code of ethics for probation and detention
18 officers and for the enforcement of that code;

19 (3) appropriate educational, preservice and
20 in-service training, and certification standards for probation and
21 detention officers or court-supervised community-based program
22 personnel;

23 (4) subject to Subsection (d), minimum standards for
24 public and private juvenile pre-adjudication secure detention
25 facilities, public juvenile post-adjudication secure correctional
26 facilities that are operated under the authority of a juvenile
27 board or governmental unit, private juvenile post-adjudication

1 secure correctional facilities operated under a contract with a
2 governmental unit, except those facilities exempt from
3 certification by Section 42.052(g), and nonsecure correctional
4 facilities operated by or under contract with a governmental unit;
5 ~~and~~

6 (5) minimum standards for juvenile justice
7 alternative education programs created under Section 37.011,
8 Education Code, in collaboration and conjunction with the Texas
9 Education Agency, or its designee; and

10 (6) minimum standards for the operation of substance
11 abuse facilities or programs that are juvenile justice facilities
12 or juvenile justice programs, as defined by Section 261.405, Family
13 Code.

14 (f) A substance abuse facility or program operating under
15 the standards adopted under this section is not required to be
16 licensed or otherwise approved by any other state or local agency.

17 SECTION 3. (a) The change in law made by this Act to Section
18 464.003, Health and Safety Code, does not affect the validity of a
19 disciplinary action or other proceeding that was initiated before
20 the effective date of this Act and that is pending before a court or
21 other governmental entity on the effective date of this Act.

22 (b) The change in law made by this Act does not apply to an
23 offense committed under or a violation of Subchapter A, Chapter
24 464, Health and Safety Code, that occurred before the effective
25 date of this Act. An offense committed or a violation that occurred
26 before the effective date of this Act is governed by the law as it
27 existed on the date the offense was committed or the violation

1 occurred, and the former law is continued in effect for that
2 purpose. For purposes of this subsection, an offense was committed
3 or a violation occurred before the effective date of this Act if any
4 element of the offense or violation occurred before that date.

5 SECTION 4. This Act takes effect September 1, 2017.