

By: Rodríguez

S.B. No. 1314

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  
18 Section 464.003, Health and Safety Code, does not affect the  
19 validity of a disciplinary action or other proceeding that was  
20 initiated before the effective date of this Act and that is pending  
21 before a court or other governmental entity on the effective date of  
22 this Act.

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

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

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