

By: Guillen

H.B. No. 2667

Substitute the following for H.B. No. 2667:

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C.S.H.B. No. 2667

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the licensing and regulation of certain occupations and  
3 activities; providing administrative penalties; requiring  
4 occupational licenses; authorizing fees; creating criminal  
5 offenses.

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

7 ARTICLE 1. COURT-ORDERED EDUCATIONAL PROGRAMS

8 SECTION 1.001. Title 2, Government Code, is amended by  
9 adding Subtitle M to read as follows:

10 SUBTITLE M. COURT PROGRAMS REGULATION

11 CHAPTER 171. EDUCATIONAL PROGRAMS REGULATED BY TEXAS DEPARTMENT OF

12 LICENSING AND REGULATION

13 SUBCHAPTER A. GENERAL PROVISIONS

14 Sec. 171.0001. DEFINITIONS. In this chapter:

15 (1) "Alcohol educational program for minors" means an  
16 alcohol awareness program described by Section 106.115, Alcoholic  
17 Beverage Code.

18 (2) "Certificate of program completion" means a  
19 uniform, serially numbered certificate that is given by a program  
20 provider to a participant who successfully completes a  
21 court-ordered program.

22 (3) "Commission" means the Texas Commission of  
23 Licensing and Regulation.

24 (4) "Court-ordered program" means any of the following

1 programs:

2 (A) the alcohol educational program for minors;

3 (B) the drug offense educational program;

4 (C) the intervention program for intoxication;

5 (D) the intoxication offense educational

6 program; or

7 (E) the responsible pet owner program.

8 (5) "Department" means the Texas Department of

9 Licensing and Regulation.

10 (6) "Drug offense educational program" means an

11 educational program described by Section 521.374(a)(1),

12 Transportation Code.

13 (7) "Executive director" means the executive director

14 of the department.

15 (8) "Instructor" means a person licensed by the

16 department to instruct a court-ordered program.

17 (9) "Intervention program for intoxication" means an

18 educational program described by Article 42A.404, Code of Criminal

19 Procedure.

20 (10) "Intoxication offense educational program" means

21 an educational program described by Article 42A.403, Code of

22 Criminal Procedure.

23 (11) "Participant" means a person who attends a

24 court-ordered program.

25 (12) "Program provider" means a person licensed by the

26 department to offer or provide a court-ordered program.

27 (13) "Responsible pet owner program" means an

1 educational program described by Article 42A.511(a)(1), Code of  
2 Criminal Procedure.

3 SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION, DEPARTMENT, AND  
4 EXECUTIVE DIRECTOR

5 Sec. 171.0051. GENERAL POWERS AND DUTIES. The commission,  
6 department, or executive director, as appropriate, shall  
7 administer and enforce this chapter.

8 Sec. 171.0052. POWERS AND DUTIES OF DEPARTMENT. The  
9 department shall:

10 (1) prescribe the application form for a license under  
11 this chapter;

12 (2) evaluate the qualifications of applicants; and

13 (3) enforce minimum standards applicable to program  
14 providers, instructors, and court-ordered programs.

15 Sec. 171.0053. RULES. (a) The commission shall adopt rules  
16 necessary to administer and enforce this chapter.

17 (b) The department may consult with other state agencies in  
18 the development of rules under this section.

19 Sec. 171.0054. FEES. (a) The commission by rule shall set  
20 fees in amounts that are reasonable and necessary to cover the costs  
21 of administering and enforcing this chapter, including fees for:

22 (1) the issuance or renewal of a license;

23 (2) the issuance of a certificate of program  
24 completion or a certificate number; and

25 (3) the curricula and materials used for a  
26 court-ordered program.

27 (b) A fee imposed by the department under this chapter is

1 not refundable.

2 (c) The department or the department's authorized  
3 representative may collect a fee imposed under this chapter.

4 Sec. 171.0055. CODE OF ETHICS. The commission shall adopt  
5 and publish a code of ethics for license holders.

6 Sec. 171.0056. ELECTRONIC TRANSMISSION OF PROGRAM  
7 INFORMATION. The department may develop and implement procedures  
8 to electronically transmit information regarding court-ordered  
9 programs to municipal and justice courts.

10 Sec. 171.0057. DIRECTORY. (a) The department shall  
11 maintain a directory of:

12 (1) program providers;

13 (2) instructors; and

14 (3) court-ordered programs.

15 (b) The department shall make the directory available to the  
16 public.

17 Sec. 171.0058. MEMORANDUM OF UNDERSTANDING. The department  
18 may enter into a memorandum of understanding with the Department of  
19 Public Safety, the Texas Department of Transportation, the Texas  
20 Department of Criminal Justice, the Health and Human Services  
21 Commission, the Department of State Health Services, or any other  
22 appropriate state agency regarding the development of rules,  
23 curricula, certificates of program completion, or certificate  
24 numbers for court-ordered programs.

25 SUBCHAPTER C. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

26 Sec. 171.0101. COMPLAINTS. (a) Any person may file a  
27 complaint with the department alleging a violation of this chapter

1 or a rule adopted under this chapter.

2 (b) The commission by rule shall establish methods by which  
3 participants of a court-ordered program are notified of the name,  
4 mailing address, telephone number, and Internet website address of  
5 the department for the purpose of directing complaints regarding a  
6 person or activity regulated under this chapter to the department.

7 Sec. 171.0102. ASSISTANCE WITH FILING COMPLAINT. The  
8 department shall provide reasonable assistance to a person who  
9 wishes to file a complaint with the department regarding a person or  
10 activity regulated under this chapter.

11 SUBCHAPTER D. PROGRAM PROVIDER LICENSE REQUIREMENTS

12 Sec. 171.0151. PROGRAM PROVIDER LICENSE REQUIRED. A person  
13 may not provide or offer to provide a court-ordered program unless  
14 the person holds a program provider license issued under this  
15 subchapter for the program.

16 Sec. 171.0152. ELIGIBILITY REQUIREMENTS FOR PROGRAM  
17 PROVIDER LICENSE. (a) The commission by rule shall establish  
18 eligibility requirements and criteria for the issuance of a program  
19 provider license under this chapter.

20 (b) The commission by rule may establish eligibility  
21 requirements based on:

22 (1) the type of court-ordered program the applicant  
23 seeks to provide; and

24 (2) the location where a court-ordered program will be  
25 provided, including the applicant's headquarters and any branch  
26 locations.

27 Sec. 171.0153. ISSUANCE OF PROGRAM PROVIDER LICENSE. The

1 department shall issue a program provider license to an applicant  
2 who:

3 (1) meets the eligibility requirements and criteria  
4 established by commission rule;

5 (2) submits a completed application to the department  
6 on the form prescribed by the department; and

7 (3) pays the nonrefundable license application fee set  
8 by the commission.

9 SUBCHAPTER E. INSTRUCTOR LICENSE REQUIREMENTS AND ISSUANCE

10 Sec. 171.0201. APPLICABILITY. This subchapter applies to  
11 the following court-ordered programs:

12 (1) the alcohol educational program for minors;

13 (2) the drug offense educational program;

14 (3) the intervention program for intoxication; and

15 (4) the intoxication offense educational program.

16 Sec. 171.0202. INSTRUCTOR LICENSE REQUIRED. (a) A person  
17 may not instruct or represent that the person is an instructor of a  
18 court-ordered program to which this subchapter applies unless the  
19 person holds the appropriate instructor license issued under this  
20 subchapter.

21 (b) A separate instructor license is required for each  
22 court-ordered program.

23 Sec. 171.0203. ISSUANCE OF INSTRUCTOR LICENSE. The  
24 department shall issue an instructor license for a particular  
25 court-ordered program to an applicant who:

26 (1) meets the eligibility requirements and criteria  
27 established by commission rule;

1           (2) submits a completed application to the department  
2 on the form prescribed by the department;

3           (3) submits proof of meeting the education and  
4 experience requirements of Section 171.0204 or 171.0205, as  
5 applicable;

6           (4) completes the instructor training course and  
7 passes the examination required under Section 171.0206;

8           (5) passes a criminal history background check  
9 conducted by the department; and

10           (6) pays the nonrefundable license application fee set  
11 by the commission.

12           Sec. 171.0204. REQUIREMENTS FOR CERTAIN ALCOHOL OR DRUG  
13 RELATED INSTRUCTOR LICENSES. To be eligible for an instructor  
14 license for an alcohol educational program for minors, intoxication  
15 offense educational program, or drug offense educational program,  
16 an applicant must:

17           (1) hold an associate degree or a more advanced degree  
18 in psychology, sociology, counseling, social work, criminal  
19 justice, education, nursing, health, or traffic safety;

20           (2) hold a license, registration, or certification  
21 under Chapter 301, 501, 502, 504, or 505 or Subtitle B, Title 3,  
22 Occupations Code, or under Subchapter B, Chapter 21, Education  
23 Code;

24           (3) have sufficient experience, as specified by rule,  
25 as a parole or community supervision officer or adult or child  
26 protective services caseworker;

27           (4) have at least one year of documented experience in

1 substance abuse or mental health case management; or  
2 (5) have at least one year of education relating to  
3 substance abuse or mental health.

4 Sec. 171.0205. REQUIREMENTS FOR INTERVENTION PROGRAM FOR  
5 INTOXICATION INSTRUCTOR LICENSE. To be eligible for an instructor  
6 license for the intervention program for intoxication, an applicant  
7 must:

8 (1) either:  
9 (A) hold a license or registration under Chapter  
10 501, 502, 504, or 505 or Subtitle B, Title 3, Occupations Code; or  
11 (B) hold an associate degree or a more advanced  
12 degree in psychology, sociology, counseling, social work, criminal  
13 justice, education, nursing, or health; and

14 (2) have at least two years of documented experience  
15 providing direct client services to persons with substance abuse  
16 disorders or mental illness.

17 Sec. 171.0206. INSTRUCTOR TRAINING COURSE; EXAMINATION.

18 (a) The commission by rule shall establish the requirements for the  
19 instructor training course and examination.

20 (b) The department or the department's authorized  
21 representative shall provide the training course and administer  
22 examinations for applicants for an instructor license.

23 (c) The commission may adopt rules to provide for the  
24 reexamination of an applicant who fails the examination.

25 (d) The department or the department's authorized  
26 representative may charge a fee as set by commission rule for the  
27 instructor training course, any training materials, and the



1 examination.

2 SUBCHAPTER F. RESTRICTIONS ON LICENSE

3 Sec. 171.0251. LICENSE NOT TRANSFERABLE. A license issued  
4 under this chapter is not transferable or assignable.

5 Sec. 171.0252. LICENSE ONLY FOR ISSUED PROGRAM. A license  
6 issued under this chapter is valid only for the type of  
7 court-ordered program for which the license is issued.

8 SUBCHAPTER G. LICENSE TERM AND RENEWAL

9 Sec. 171.0301. LICENSE TERM. A license issued under this  
10 chapter is valid for one or two years from the date of issuance as  
11 prescribed by commission rule.

12 Sec. 171.0302. LICENSE RENEWAL. The commission by rule  
13 shall establish the requirements for renewing a license issued  
14 under this chapter, including the payment of applicable fees.

15 Sec. 171.0303. CONTINUING EDUCATION FOR RENEWAL OF  
16 INSTRUCTOR LICENSE. (a) The commission by rule shall establish the  
17 minimum number of hours of continuing education that a license  
18 holder must complete to renew an instructor license issued under  
19 Subchapter E. The commission may require a different number of  
20 hours of continuing education for each type of court-ordered  
21 program.

22 (b) In addition to the continuing education requirements of  
23 Subsection (a), an instructor must complete an instructor  
24 continuing education seminar prescribed by the department if the  
25 department makes substantial changes to the curriculum or materials  
26 for the court-ordered program for which the license was issued.

27 (c) The commission by rule may establish an alternative

1 method for satisfying the continuing education requirements of  
2 Subsection (a).

3 SUBCHAPTER H. COURT-ORDERED PROGRAM REQUIREMENTS

4 Sec. 171.0351. GENERAL COURT-ORDERED PROGRAM REQUIREMENTS.

5 (a) The commission shall adopt rules for each court-ordered  
6 program regarding:

7 (1) the criteria for administration;

8 (2) the structure, length, content, manner of  
9 delivery, schedule, and applicable fees;

10 (3) the criteria for a participant to successfully  
11 complete the program; and

12 (4) the development of a certificate of program  
13 completion that is acceptable to a court.

14 (b) The commission may adopt rules for each court-ordered  
15 program regarding records to be maintained and reports to be filed  
16 with the department.

17 (c) The department or the department's authorized  
18 representative shall develop the curriculum and educational  
19 materials to be used for each court-ordered program.

20 (d) A program provider or instructor may not discriminate  
21 against participants based on sex, race, religion, age, national or  
22 ethnic origin, or disability.

23 Sec. 171.0352. ADDITIONAL REQUIREMENTS FOR ALCOHOL OR DRUG  
24 RELATED PROGRAMS. (a) This section applies to the following  
25 court-ordered programs:

26 (1) the alcohol educational program for minors;

27 (2) the drug offense educational program;

1           (3) the intervention program for intoxication; and

2           (4) the intoxication offense educational program.

3           (b) A court-ordered program to which this section applies  
4 must be:

5           (1) provided by a program provider licensed for the  
6 type of program;

7           (2) provided at a specific location, if required by  
8 commission rule; and

9           (3) taught by an instructor licensed for the type of  
10 program.

11           (c) The commission may adopt rules for each court-ordered  
12 program to which this section applies regarding:

13           (1) the appointment, qualifications, and  
14 responsibilities of an administrator of a court-ordered program;

15           (2) the use of supplemental educational materials;

16           (3) minimum classroom facilities and equipment;

17           (4) the conduct of instructors;

18           (5) teaching requirements for instructors; and

19           (6) participant evaluations, screenings, and exit  
20 interviews.

21           Sec. 171.0353. ADDITIONAL PROGRAM REQUIREMENTS FOR  
22 RESPONSIBLE PET OWNER PROGRAM. (a) The responsible pet owner  
23 program must be offered online by a program provider licensed for  
24 that program.

25           (b) The commission may adopt rules for the responsible pet  
26 owner program regarding:

27           (1) the timing of the program; and

1           (2) the procedures for program security and attendance  
2 verification.

3           Sec. 171.0354. CERTIFICATE OF PROGRAM COMPLETION. (a) The  
4 department shall issue or provide for the issuance of a certificate  
5 of program completion or certificate number showing completion of a  
6 court-ordered program.

7           (b) The commission by rule shall provide for the form,  
8 design, content, and distribution of certificates of program  
9 completion and certificate numbers.

10          (c) The commission by rule shall adopt a system for program  
11 providers to provide for the appropriate care, custody, and control  
12 of certificates of program completion and certificate numbers.

13          (d) The commission by rule shall establish requirements  
14 regarding the submission of a copy of a certificate of program  
15 completion or certificate number to the appropriate court, state  
16 agency, or community supervision and corrections department.

17                   SUBCHAPTER I. PRACTICE BY LICENSE HOLDER

18          Sec. 171.0401. GENERAL REQUIREMENTS FOR ALL LICENSE  
19 HOLDERS. (a) A license holder shall comply with all requirements  
20 under this chapter or commission rule for the court-ordered program  
21 for which the license is issued.

22          (b) A license holder may only provide or instruct, as  
23 applicable, the court-ordered program for which the license is  
24 issued.

25          (c) A license holder may only use the curriculum approved  
26 for the court-ordered program for which the license is issued.

27          Sec. 171.0402. NOTICE OF CHANGE IN ADMINISTRATOR OR CONTACT

1 INFORMATION. Not later than the 30th day after the date of the  
2 change, a license holder shall notify the department in writing of  
3 any change regarding:

4 (1) the administrator of a court-ordered program  
5 provided by a program provider; or

6 (2) the license holder's address, telephone number,  
7 e-mail address, or Internet website address.

8 SUBCHAPTER J. PRACTICE BY PROGRAM PROVIDER

9 Sec. 171.0451. PROGRAM PROVIDER RESPONSIBILITIES; GENERAL  
10 REQUIREMENTS. (a) A program provider shall maintain care, custody,  
11 and control of the certificates of program completion and  
12 certificate numbers, as prescribed by commission rule.

13 (b) A program provider shall issue and deliver a certificate  
14 of program completion to a participant who successfully completes a  
15 court-ordered program provided by the program provider. The  
16 commission by rule shall establish the timing and method of  
17 delivery of the certificate.

18 (c) A program provider shall comply with applicable laws  
19 regarding confidentiality of participant records and obtaining  
20 consent to disclosure.

21 (d) A program provider shall submit to the department  
22 information required by the department relating to certificates of  
23 program completion issued by the program provider.

24 Sec. 171.0452. ADDITIONAL PROGRAM PROVIDER  
25 RESPONSIBILITIES FOR ALCOHOL OR DRUG RELATED PROGRAMS. (a) This  
26 section applies to the following court-ordered programs:

27 (1) the alcohol educational program for minors;

- (2) the drug offense educational program;
- (3) the intervention program for intoxication; and
- (4) the intoxication offense educational program.

(b) A program provider shall designate an administrator for each of the provider's court-ordered programs to which this section applies.

(c) As prescribed by commission rule, a program provider shall:

(1) collect and maintain information regarding each of the program provider's instructors, each court-ordered program provided by the program provider, and each program participant; and

(2) make available to the department on request records containing the information described by Subdivision (1).

(d) The commission may require different information to be collected and maintained for each type of court-ordered program.

(e) The commission may adopt rules requiring program providers to submit to the department information regarding programs, instructors, and participants. The commission may require different information to be reported for each type of court-ordered program.

(f) A program provider shall provide in writing to each participant the provider's license number and the applicable instructor's license number.

(g) A program provider shall maintain and make available to participants information regarding course fees, schedules, and locations for all court-ordered programs provided by the program provider.

1           Sec. 171.0453. ADDITIONAL PROGRAM PROVIDER

2 RESPONSIBILITIES FOR RESPONSIBLE PET OWNER PROGRAM. (a) A program  
3 provider shall ensure that a responsible pet owner program provided  
4 by a program provider is delivered online in a manner conducive to  
5 learning.

6           (b) The program provider is responsible for the conduct and  
7 administration of a responsible pet owner program, including the  
8 verification of participant attendance and program performance.

9           (c) As prescribed by commission rule, a program provider  
10 shall:

11                   (1) collect information for each participant in a  
12 responsible pet owner program;

13                   (2) maintain and make available to the department on  
14 request the information described by Subdivision (1); and

15                   (3) submit monthly reports to the department.

16           (d) A program provider shall:

17                   (1) maintain the security and integrity of the  
18 information of participants in a responsible pet owner program; and

19                   (2) create and provide a privacy policy statement to  
20 each participant.

21           (e) In each advertisement for or Internet website of a  
22 responsible pet owner program, the program provider shall include:

23                   (1) the provider's license number; and

24                   (2) the program's number issued by the department.

25           Sec. 171.0454. PROGRAM PROVIDER CHANGE OF OWNERSHIP. Not  
26 less than 30 days before the date of a change in ownership of a  
27 program provider, the proposed new owner must apply for a new

1 program provider license for each type of court-ordered program to  
2 be offered by the new owner.

3 SUBCHAPTER K. PRACTICE BY INSTRUCTOR

4 Sec. 171.0501. INSTRUCTOR RESPONSIBILITIES FOR ALCOHOL OR  
5 DRUG RELATED PROGRAMS. (a) This section applies to the following  
6 court-ordered programs:

- 7 (1) the alcohol educational program for minors;  
8 (2) the drug offense educational program;  
9 (3) the intervention program for intoxication; and  
10 (4) the intoxication offense educational program.

11 (b) An instructor may only instruct for a program provider  
12 that holds the appropriate program provider license.

13 (c) An instructor shall carry the instructor's license at  
14 all times while providing instruction at a court-ordered program to  
15 which this section applies.

16 SUBCHAPTER L. PROHIBITED PRACTICES AND ENFORCEMENT

17 Sec. 171.0551. PROHIBITED PRACTICES BY ALL LICENSE HOLDERS.  
18 A license holder may not:

19 (1) use advertising that is false, misleading, or  
20 deceptive; or

21 (2) issue, sell, trade, or transfer a certificate of  
22 program completion or a certificate number to a person who has not  
23 successfully completed the applicable court-ordered program or who  
24 is not otherwise authorized to possess the certificate or number.

25 Sec. 171.0552. GROUNDS FOR DISCIPLINARY ACTIONS. The  
26 commission or executive director may deny an application for an  
27 initial or renewal license, revoke or suspend a license, place on



1 probation a person whose license has been suspended, or reprimand a  
2 license holder who:

3 (1) violates this chapter or a rule adopted under this  
4 chapter;

5 (2) fails to meet a requirement for obtaining or  
6 holding a license under this chapter;

7 (3) fails to notify the department of the  
8 discontinuation of the operation of a court-ordered program  
9 provided or instructed by the license holder;

10 (4) fails to make available to the department accurate  
11 records regarding the operation of a discontinued court-ordered  
12 program provided or instructed by the license holder;

13 (5) permits or engages in misrepresentation, fraud, or  
14 deceit in applying for a license;

15 (6) permits or engages in a fraudulent practice  
16 regarding a court-ordered program provided or instructed by the  
17 license holder;

18 (7) sells, barter, or offers to sell or barter a  
19 license;

20 (8) engages in unprofessional conduct that:

21 (A) endangers or is likely to endanger the  
22 health, welfare, or safety of the public as defined by commission  
23 rule; or

24 (B) violates the code of ethics adopted and  
25 published by the commission;

26 (9) falsifies, submits, or maintains any  
27 substantially false, inaccurate, or incomplete documentation

1 required under this chapter or related to the court-ordered program  
2 provided or instructed by the license holder;

3 (10) engages in conduct, or encourages or permits a  
4 participant in a court-ordered program provided or instructed by  
5 the license holder to engage in conduct, that is inconsistent with  
6 the behaviors and principles of the curriculum of the court-ordered  
7 program for which the license is issued;

8 (11) while under the influence of alcohol or a  
9 controlled substance, attends an instructor training or a  
10 court-ordered program, instructs a court-ordered program, or  
11 performs duties related to the court-ordered program for which the  
12 holder's license is issued;

13 (12) provides a participant with, or permits a  
14 participant to use, alcohol or a controlled substance; or

15 (13) engages in conduct that is harmful to the health,  
16 safety, or welfare of a participant or the public.

17 Sec. 171.0553. DISCIPLINARY ACTION; ADMINISTRATIVE  
18 PENALTY. If a person violates this chapter or an order issued or a  
19 rule adopted under this chapter, the person is subject to any action  
20 or penalty under Subchapter F or G, Chapter 51, Occupations Code.

21 Sec. 171.0554. ONSITE INSPECTIONS, MONITORING, AND AUDITS.  
22 The department or the department's authorized representative may:

23 (1) conduct periodic, onsite inspections to verify a  
24 program provider's compliance with this chapter; and

25 (2) attend or audit a court-ordered program.

26 Sec. 171.0555. INVESTIGATIONS. (a) A program provider,  
27 administrator, instructor, or any person associated with a

1 court-ordered program shall:

2 (1) cooperate with the department during an  
3 investigation of a complaint under this chapter; and

4 (2) provide or make available to the department on  
5 request any documents or records related to the investigation,  
6 including all instructor or administrator records, unless  
7 otherwise prohibited by law.

8 (b) The department may contract with the Department of  
9 Public Safety to provide investigative assistance in the  
10 enforcement of this chapter.

11 Sec. 171.0556. UNLAWFUL TRANSFER OF CERTIFICATE OF PROGRAM  
12 COMPLETION OR CERTIFICATE NUMBER; OFFENSE. (a) A person commits an  
13 offense if the person knowingly sells, trades, issues, or otherwise  
14 transfers, or possesses with intent to sell, trade, issue, or  
15 otherwise transfer, a certificate of program completion or a  
16 certificate number to a person not authorized to possess the  
17 certificate or number.

18 (b) An offense under this section is a felony of the third  
19 degree.

20 Sec. 171.0557. UNLAWFUL POSSESSION OF CERTIFICATE OF  
21 PROGRAM COMPLETION OR CERTIFICATE NUMBER; OFFENSE. (a) A person  
22 commits an offense if the person knowingly possesses a certificate  
23 of program completion or a certificate number that the person is not  
24 authorized to possess under this chapter.

25 (b) An offense under this section is a felony of the third  
26 degree.

27 SECTION 1.002. The heading to Section [106.115](#), Alcoholic

1 Beverage Code, is amended to read as follows:

2           Sec. 106.115. ATTENDANCE AT ALCOHOL AWARENESS PROGRAM  
3 ~~[COURSE]~~; LICENSE SUSPENSION.

4           SECTION 1.003. Section 106.115, Alcoholic Beverage Code, is  
5 amended by amending Subsections (a) and (b-2) and adding  
6 Subsections (a-1) and (a-2) to read as follows:

7           (a) On the placement of a minor on deferred disposition for  
8 an offense under Section 49.02, Penal Code, or under Section  
9 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court  
10 shall require the defendant to attend one of the following  
11 programs:

12                 (1) an alcohol awareness program ~~[approved by the~~  
13 ~~Texas Department of Licensing and Regulation]~~ under this section  
14 that is regulated under Chapter 171, Government Code;

15                 (2) ~~[~~ a drug education program under ~~[approved by~~  
16 ~~the Department of State Health Services in accordance with]~~ Section  
17 521.374, Transportation Code, that is regulated under Chapter 171,  
18 Government Code; or

19                 (3) a drug and alcohol driving awareness program under  
20 Section 1001.103, Education Code ~~[approved by the Texas Education~~  
21 ~~Agency]~~.

22           (a-1) On conviction of a minor of an offense under Section  
23 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041,  
24 106.05, or 106.07 ~~[one or more of those sections]~~, the court, in  
25 addition to assessing a fine as provided by those sections, shall  
26 require a defendant who has not been previously convicted of an  
27 offense under one of those sections to attend an alcohol awareness

1 program, a drug education program, or a drug and alcohol driving  
2 awareness program described by Subsection (a) [~~this subsection~~].  
3 If the defendant has been previously convicted once or more of an  
4 offense under one or more of those sections, the court may require  
5 the defendant to attend an alcohol awareness program, a drug  
6 education program, or a drug and alcohol driving awareness program  
7 described by Subsection (a) [~~this subsection~~].

8 (a-2) If the defendant is younger than 18 years of age, the  
9 court may require the parent or guardian of the defendant to attend  
10 the program described by Subsection (a) with the defendant. [~~The~~  
11 ~~Texas Department of Licensing and Regulation or Texas Commission of~~  
12 ~~Licensing and Regulation, as appropriate.~~

13 [~~(1) is responsible for the administration of the~~  
14 ~~certification of approved alcohol awareness programs,~~

15 [~~(2) may charge a nonrefundable application fee for:~~

16 [~~(A) initial certification of the approval, or~~

17 [~~(B) renewal of the certification,~~

18 [~~(3) shall adopt rules regarding alcohol awareness~~  
19 ~~programs approved under this section, and~~

20 [~~(4) shall monitor, coordinate, and provide training~~  
21 ~~to a person who provides an alcohol awareness program.]~~

22 (b-2) For purposes of Subsection (b-1), if the defendant is  
23 enrolled in an institution of higher education located in a county  
24 in which access to an alcohol awareness program is readily  
25 available, the court may consider the defendant to be a resident of  
26 that county. If the defendant is not enrolled in such an institution  
27 of higher education or if the court does not consider the defendant

1 to be a resident of the county in which the institution is located,  
2 the defendant's residence is the residence listed on the  
3 defendant's driver's license or personal identification  
4 certificate issued by the Department of Public Safety. If the  
5 defendant does not have a driver's license or personal  
6 identification certificate issued by the Department of Public  
7 Safety, the defendant's residence is the residence on the  
8 defendant's voter registration certificate. If the defendant is not  
9 registered to vote, the defendant's residence is the residence on  
10 file with the public school district on which the defendant's  
11 enrollment is based. If the defendant is not enrolled in public  
12 school, the defendant's residence is determined [~~as provided~~]  
13 the court [~~commission rule~~].

14 SECTION 1.004. The heading to Article 42A.403, Code of  
15 Criminal Procedure, is amended to read as follows:

16 Art. 42A.403. EDUCATIONAL PROGRAM FOR CERTAIN INTOXICATION  
17 OFFENSES [~~OFFENDERS~~]; WAIVER OR EXTENSION OF TIME.

18 SECTION 1.005. Article 42A.403(a), Code of Criminal  
19 Procedure, is amended to read as follows:

20 (a) A judge who places on community supervision a defendant  
21 convicted of an offense under Sections 49.04-49.08, Penal Code,  
22 shall require as a condition of community supervision that the  
23 defendant attend and successfully complete, before the 181st day  
24 after the date community supervision is granted, an educational  
25 program designed to rehabilitate persons who have driven while  
26 intoxicated that is regulated [~~jointly approved~~] by [+  
27

[~~(1)~~] the Texas Department of Licensing and Regulation

1 under Chapter 171, Government Code [~~+~~

2 [~~(2) the Department of Public Safety,~~

3 [~~(3) the traffic safety section of the traffic~~  
4 ~~operations division of the Texas Department of Transportation, and~~

5 [~~(4) the community justice assistance division of the~~  
6 ~~Texas Department of Criminal Justice~~].

7 SECTION 1.006. The heading to Article 42A.404, Code of  
8 Criminal Procedure, is amended to read as follows:

9 Art. 42A.404. EDUCATIONAL PROGRAM FOR CERTAIN REPEAT  
10 INTOXICATION OFFENSES [~~OFFENDERS~~]; WAIVER.

11 SECTION 1.007. Article 42A.404(a), Code of Criminal  
12 Procedure, is amended to read as follows:

13 (a) The judge shall require a defendant who is punished  
14 under Section 49.09, Penal Code, to attend and successfully  
15 complete as a condition of community supervision an educational  
16 program for repeat offenders that is regulated [~~approved~~] by the  
17 Texas Department of Licensing and Regulation under Chapter 171,  
18 Government Code.

19 SECTION 1.008. Article 42A.511(a), Code of Criminal  
20 Procedure, is amended to read as follows:

21 (a) If a judge grants community supervision to a defendant  
22 convicted of an offense under Section 42.09, 42.091, 42.092, or  
23 42.10, Penal Code, the judge may require the defendant to [~~+~~

24 [~~(1)~~] complete an online responsible pet owner  
25 educational program regulated [~~course approved and certified~~] by  
26 the Texas Department of Licensing and Regulation under Chapter 171,  
27 Government Code [~~+~~]

1           ~~[(2) attend a responsible pet owner course sponsored~~  
2 ~~by a municipal animal shelter, as defined by Section 823.001,~~  
3 ~~Health and Safety Code, that:~~

4                   ~~[(A) receives federal, state, county, or~~  
5 ~~municipal funds; and~~

6                   ~~[(B) serves the county in which the court is~~  
7 ~~located].~~

8           SECTION 1.009. Article 42A.514(a), Code of Criminal  
9 Procedure, is amended to read as follows:

10           (a) If a judge grants community supervision to a defendant  
11 younger than 18 years of age convicted of an alcohol-related  
12 offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or  
13 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or  
14 an offense involving possession of a controlled substance or  
15 marihuana under Section 481.115, 481.1151, 481.116, 481.1161,  
16 481.117, 481.118, or 481.121, Health and Safety Code, the judge may  
17 require the defendant as a condition of community supervision to  
18 attend, as appropriate:

19                   (1) an alcohol awareness program ~~[approved]~~ under  
20 Section 106.115, Alcoholic Beverage Code, that is regulated by the  
21 Texas Department of Licensing and Regulation under Chapter 171,  
22 Government Code; or

23                   (2) a drug education program that is designed to  
24 educate persons on the dangers of drug abuse ~~[and is approved by the~~  
25 ~~Department of State Health Services]~~ in accordance with Section  
26 521.374, Transportation Code, and that is regulated by the Texas  
27 Department of Licensing and Regulation under Chapter 171,



1 Government Code.

2 SECTION 1.010. Article 45.051(b), Code of Criminal  
3 Procedure, is amended to read as follows:

4 (b) During the deferral period, the judge may require the  
5 defendant to:

6 (1) post a bond in the amount of the fine assessed to  
7 secure payment of the fine;

8 (2) pay restitution to the victim of the offense in an  
9 amount not to exceed the fine assessed;

10 (3) submit to professional counseling;

11 (4) submit to diagnostic testing for alcohol or a  
12 controlled substance or drug;

13 (5) submit to a psychosocial assessment;

14 (6) participate in an alcohol or drug abuse treatment  
15 or education program, such as:

16 (A) a drug education program that is designed to  
17 educate persons on the dangers of drug abuse [~~and is approved by the~~  
18 ~~Department of State Health Services~~] in accordance with Section  
19 521.374, Transportation Code, and that is regulated by the Texas  
20 Department of Licensing and Regulation under Chapter 171,  
21 Government Code; or

22 (B) an alcohol awareness program described by  
23 Section 106.115, Alcoholic Beverage Code, that is regulated by the  
24 Texas Department of Licensing and Regulation under Chapter 171,  
25 Government Code;

26 (7) pay the costs of any diagnostic testing,  
27 psychosocial assessment, or participation in a treatment or

1 education program either directly or through the court as court  
2 costs;

3 (8) complete a driving safety course approved under  
4 Chapter 1001, Education Code, or another course as directed by the  
5 judge;

6 (9) present to the court satisfactory evidence that  
7 the defendant has complied with each requirement imposed by the  
8 judge under this article; and

9 (10) comply with any other reasonable condition.

10 SECTION 1.011. Sections 53.03(h-1) and (h-2), Family Code,  
11 are amended to read as follows:

12 (h-1) If the child is alleged to have engaged in delinquent  
13 conduct or conduct indicating a need for supervision that violates  
14 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or  
15 481.121, Health and Safety Code, deferred prosecution under this  
16 section may include a condition that the child attend a drug  
17 education program that is designed to educate persons on the  
18 dangers of drug abuse [~~and is approved by the Department of State  
19 Health Services~~] in accordance with Section 521.374,  
20 Transportation Code, and that is regulated by the Texas Department  
21 of Licensing and Regulation under Chapter 171, Government Code.

22 (h-2) If the child is alleged to have engaged in delinquent  
23 conduct or conduct indicating a need for supervision that violates  
24 Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07,  
25 Alcoholic Beverage Code, or Section 49.02, Penal Code, deferred  
26 prosecution under this section may include a condition that the  
27 child attend an alcohol awareness program described by Section

1 106.115, Alcoholic Beverage Code, that is regulated by the Texas  
2 Department of Licensing and Regulation under Chapter 171,  
3 Government Code.

4 SECTION 1.012. Sections 54.047(a) and (b), Family Code, are  
5 amended to read as follows:

6 (a) If the court or jury finds at an adjudication hearing  
7 for a child that the child engaged in delinquent conduct or conduct  
8 indicating a need for supervision that constitutes a violation of  
9 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or  
10 481.121, Health and Safety Code, the court may order that the child  
11 attend a drug education program that is designed to educate persons  
12 on the dangers of drug abuse [~~and is approved by the Department of~~  
13 ~~State Health Services~~] in accordance with Section 521.374,  
14 Transportation Code, and that is regulated by the Texas Department  
15 of Licensing and Regulation under Chapter 171, Government Code.

16 (b) If the court or jury finds at an adjudication hearing  
17 for a child that the child engaged in delinquent conduct or conduct  
18 indicating a need for supervision that violates the alcohol-related  
19 offenses in Section 106.02, 106.025, 106.04, 106.041, 106.05, or  
20 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, the  
21 court may order that the child attend an alcohol awareness program  
22 described by Section 106.115, Alcoholic Beverage Code, that is  
23 regulated by the Texas Department of Licensing and Regulation under  
24 Chapter 171, Government Code.

25 SECTION 1.013. Section 461A.052(a), Health and Safety Code,  
26 is amended to read as follows:

27 (a) The department shall:

1           (1) provide for research and study of the problems of  
2 chemical dependency in this state and seek to focus public  
3 attention on those problems through public information and  
4 education programs;

5           (2) plan, develop, coordinate, evaluate, and  
6 implement constructive methods and programs for the prevention,  
7 intervention, treatment, and rehabilitation of chemical dependency  
8 in cooperation with federal and state agencies, local governments,  
9 organizations, and persons, and provide technical assistance,  
10 funds, and consultation services for statewide and community-based  
11 services;

12           (3) cooperate with and enlist the assistance of:

13                   (A) other state, federal, and local agencies;

14                   (B) hospitals and clinics;

15                   (C) public health, welfare, and criminal justice  
16 system authorities;

17                   (D) educational and medical agencies and  
18 organizations; and

19                   (E) other related public and private groups and  
20 persons;

21           (4) expand chemical dependency services for children  
22 when funds are available because of the long-term benefits of those  
23 services to this state and its citizens;

24           (5) sponsor, promote, and conduct educational  
25 programs on the prevention and treatment of chemical dependency,  
26 and maintain a public information clearinghouse to purchase and  
27 provide books, literature, audiovisuals, and other educational

1 material for the programs;

2           (6) sponsor, promote, and conduct training programs  
3 for persons delivering prevention, intervention, treatment, and  
4 rehabilitation services and for persons in the criminal justice  
5 system or otherwise in a position to identify the service needs of  
6 persons with a chemical dependency and their families;

7           (7) require programs rendering services to persons  
8 with a chemical dependency to safeguard those persons' legal rights  
9 of citizenship and maintain the confidentiality of client records  
10 as required by state and federal law;

11           (8) maximize the use of available funds for direct  
12 services rather than administrative services;

13           (9) consistently monitor the expenditure of funds and  
14 the provision of services by all grant and contract recipients to  
15 assure that the services are effective and properly staffed and  
16 meet the standards adopted under this chapter;

17           (10) make the monitoring reports prepared under  
18 Subdivision (9) a matter of public record;

19           (11) license treatment facilities under Chapter 464;

20           (12) use funds appropriated to the department for  
21 purposes of providing chemical dependency services and related  
22 programs to carry out those purposes and maximize the overall state  
23 allotment of federal funds;

24           (13) plan, develop, coordinate, evaluate, and  
25 implement constructive methods and programs to provide healthy  
26 alternatives for youth at risk of selling controlled substances;

27 and

1           (14) submit to the federal government reports and  
2 strategies necessary to comply with Section 1926 of the federal  
3 Alcohol, Drug Abuse, and Mental Health Administration  
4 Reorganization Act, Pub. L. No. 102-321 (42 U.S.C. Section  
5 300x-26), and coordinate the reports and strategies with  
6 appropriate state governmental entities~~[, and~~  
7           ~~[(15) regulate, coordinate, and provide training for~~  
8 ~~alcohol awareness courses required under Section 106.115,~~  
9 ~~Alcoholic Beverage Code, and may charge a fee for an activity~~  
10 ~~performed by the department under this subdivision].~~

11           SECTION 1.014. Section 521.374(a), Transportation Code, as  
12 amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B.  
13 642), Acts of the 84th Legislature, Regular Session, 2015, is  
14 reenacted and amended to read as follows:

15           (a) A person whose license is suspended under Section  
16 521.372 may:

17           (1) attend an educational program regulated~~[~~  
18 ~~approved]~~ by the Texas Department of Licensing and Regulation  
19 ~~[Department of State Health Services]~~ under Chapter 171, Government  
20 Code ~~[rules adopted by the executive commissioner of the Health and~~  
21 ~~Human Services Commission and the department]~~, that is designed to  
22 educate persons on the dangers of drug abuse; or

23           (2) successfully complete education on the dangers of  
24 drug abuse approved by the Department of State Health Services as  
25 equivalent to the educational program described by Subdivision (1),  
26 while the person is a resident of a facility for the treatment of  
27 drug abuse or chemical dependency, including:

1 (A) a substance abuse treatment facility or  
2 substance abuse felony punishment facility operated by the Texas  
3 Department of Criminal Justice under Section 493.009, Government  
4 Code;

5 (B) a community corrections facility, as defined  
6 by Section 509.001, Government Code; or

7 (C) a chemical dependency treatment facility  
8 licensed under Chapter 464, Health and Safety Code.

9 SECTION 1.015. Section 521.375, Transportation Code, as  
10 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the  
11 84th Legislature, Regular Session, 2015, is reenacted and amended  
12 to read as follows:

13 Sec. 521.375. JOINT ADOPTION OF RULES. (a) The executive  
14 commissioner of the Health and Human Services Commission and the  
15 department shall jointly adopt rules for the qualification and  
16 approval of[+]

17 [~~(1) providers of educational programs under Section~~  
18 ~~521.374(a)(1), and~~

19 [~~(2)~~] equivalent education provided in a residential  
20 treatment facility described by Section 521.374(a)(2).

21 (b) The Department of State Health Services shall publish  
22 the jointly adopted rules.

23 SECTION 1.016. Section 521.376, Transportation Code, as  
24 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the  
25 84th Legislature, Regular Session, 2015, is reenacted and amended  
26 to read as follows:

27 Sec. 521.376. DUTIES OF DEPARTMENT OF STATE HEALTH

1 SERVICES [~~, APPLICATION AND RENEWAL FEES~~]. The Department of State  
2 Health Services:

3 (1) shall monitor, coordinate, and provide training  
4 to~~+~~

5 [~~(A) persons who provide educational programs~~  
6 ~~under Section 521.374(a)(1); and~~

7 [~~(B)~~] residential treatment facilities described  
8 by Section 521.374(a)(2) providing equivalent education; and

9 (2) shall administer the approval of the [~~educational~~  
10 ~~programs and the~~] equivalent education provided in a residential  
11 treatment facility [~~, and~~

12 [~~(3) may charge a nonrefundable application fee to the~~  
13 ~~provider of an educational program under Section 521.374(a)(1) for:~~

14 [~~(A) initial certification of approval; and~~

15 [~~(B) renewal of the certification~~].

16 SECTION 1.017. The following provisions are repealed:

17 (1) Section 106.115(b), Alcoholic Beverage Code;

18 (2) Article 42A.405, Code of Criminal Procedure;

19 (3) Article 42A.511(b), Code of Criminal Procedure, as  
20 added by Chapter 1132 (H.B. 162), Acts of the 85th Legislature,  
21 Regular Session, 2017; and

22 (4) Section 54.047(e), Family Code.

23 SECTION 1.018. As soon as practicable after the effective  
24 date of this Act, the Texas Commission of Licensing and Regulation,  
25 the Texas Department of Licensing and Regulation, and the executive  
26 director of the Texas Department of Licensing and Regulation, as  
27 appropriate, shall adopt rules and forms necessary to implement



1 Chapter 171, Government Code, as added by this Act.

2 ARTICLE 2. TEXAS DEPARTMENT OF LICENSING AND REGULATION

3 SECTION 2.001. Section 51.203, Occupations Code, is amended  
4 to read as follows:

5 Sec. 51.203. RULES REGARDING PROGRAMS REGULATED BY  
6 DEPARTMENT. (a) The commission shall adopt rules as necessary to  
7 implement each law establishing a program regulated by the  
8 department.

9 (b) Notwithstanding any other law, for each program  
10 regulated by the department, including a program under which a  
11 license is issued by the department, the commission by rule may  
12 establish:

- 13 (1) the length of a license term;  
14 (2) a fee for the issuance or renewal of a license; and  
15 (3) any continuing education required to renew a  
16 license.

17 SECTION 2.002. Section 51.2031(a-2), Occupations Code, is  
18 amended to read as follows:

19 (a-2) For each rule proposed under Subsection (a-1), the  
20 commission shall either adopt the rule as proposed or return the  
21 rule to the advisory board for revision. The commission retains  
22 authority for final adoption of all rules and is responsible for  
23 ensuring compliance with all laws regarding the rulemaking process.

24 [~~This subsection and Subsection (a-1) expire September 1, 2019.~~]

25 ARTICLE 3. MIDWIVES

26 SECTION 3.001. Section 203.056, Occupations Code, is  
27 amended to read as follows:

1           Sec. 203.056. PRESIDING OFFICER. The presiding officer of  
2 the commission shall designate a [~~public~~] member of the advisory  
3 board to serve as the presiding officer of the advisory board to  
4 serve for a term of one year. The presiding officer of the advisory  
5 board may vote on any matter before the advisory board.

6           SECTION 3.002. Section 203.254, Occupations Code, is  
7 amended to read as follows:

8           Sec. 203.254. BASIC MIDWIFERY EDUCATION. The commission  
9 shall establish requirements for basic midwifery education,  
10 including basic requirements for midwifery preceptors and  
11 students.

12          SECTION 3.003. Section 203.152, Occupations Code, is  
13 repealed.

14          SECTION 3.004. Section 203.056, Occupations Code, as  
15 amended by this article, does not affect the entitlement of a member  
16 of the Midwives Advisory Board who is serving as the presiding  
17 officer of the advisory board immediately before the effective date  
18 of this Act to continue to serve in that capacity for the remainder  
19 of the member's term as presiding officer.

20          ARTICLE 4. MASSAGE THERAPISTS, BARBERS, AND COSMETOLOGISTS

21          SECTION 4.001. Section 455.151, Occupations Code, is  
22 amended by adding Subsection (e) to read as follows:

23           (e) Notwithstanding Subsections (a) and (b), a person may  
24 act as, or represent that the person is, a massage establishment if  
25 the person holds a license under Chapter 1604.

26          SECTION 4.002. Section 1601.453, Occupations Code, is  
27 amended to read as follows:

1           Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by  
2 the department may practice barbering only at a location for which  
3 the department has issued a barbershop permit, specialty shop  
4 permit, or barber school permit under this chapter, ~~or~~ a permit  
5 issued under Chapter 1603, or a license issued under Chapter 1604.

6           SECTION 4.003. Section 1601.455(a), Occupations Code, is  
7 amended to read as follows:

8           (a) In this section, "licensed facility" means the premises  
9 of a place of business that holds a license, certificate, or permit  
10 under this chapter, ~~or~~ Chapter 1603, or Chapter 1604.

11           SECTION 4.004. Section 1603.104, Occupations Code, is  
12 amended by amending Subsection (b) and adding Subsections (c) and  
13 (c-1) to read as follows:

14           (b) Except as otherwise provided by this section, at ~~At~~  
15 least once every four ~~two~~ years, the department shall inspect  
16 each shop or other facility that holds a license, certificate, or  
17 permit in which the practice of barbering or cosmetology is  
18 performed under this chapter, Chapter 1601, or Chapter 1602.

19           (c) At ~~At, and at~~ least twice per year, the department shall  
20 inspect each school in which barbering or cosmetology is taught  
21 under this chapter, Chapter 1601, or Chapter 1602.

22           (c-1) At least once every two years, the department shall  
23 inspect each specialty shop that holds a license, certificate, or  
24 permit issued under this chapter, Chapter 1601, or Chapter 1602 and  
25 at which the practices described by Section 1601.002(1)(E) or (F)  
26 or 1602.002(a)(8) or (9) are performed.

27           SECTION 4.005. Title 9, Occupations Code, is amended by

1 adding Chapter 1604 to read as follows:

2 CHAPTER 1604. REGULATION OF BARBERING AND MASSAGE THERAPY

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 1604.001. GENERAL DEFINITIONS. (a) In this chapter:

5 (1) "Commission" means the Texas Commission of  
6 Licensing and Regulation.

7 (2) "Department" means the Texas Department of  
8 Licensing and Regulation.

9 (3) "Dual shop" means a dual barber and beauty shop  
10 licensed under Chapter 1603.

11 (4) "Executive director" means the executive director  
12 of the department.

13 (b) Unless the context clearly indicates otherwise, the  
14 definitions in Chapters 455, 1601, 1602, and 1603 apply to this  
15 chapter.

16 Sec. 1604.002. REGULATION BY DEPARTMENT. The department  
17 shall administer this chapter. A reference in this chapter to the  
18 commission's, executive director's, or department's powers or  
19 duties does not limit the executive director's, department's, or  
20 commission's general powers under Chapter 51.

21 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

22 Sec. 1604.051. ADVISORY BOARDS. The advisory boards  
23 established under Chapters 455, 1601, and 1602 shall advise the  
24 commission on administering this chapter.

25 Sec. 1604.052. RULES. The commission shall adopt rules for  
26 the administration of this chapter.

SUBCHAPTER C. LICENSE REQUIREMENTS

Sec. 1604.101. BARBERSHOP AND MASSAGE ESTABLISHMENT LICENSE. (a) The department may issue a barbershop and massage establishment license.

(b) A person holding a barbershop and massage establishment license may own, operate, or manage a shop or establishment in which any practice of barbering defined by Section 1601.002 or massage therapy or other massage services as defined by Section 455.001 is performed.

(c) The department shall issue a barbershop and massage establishment license to an applicant that:

(1) meets the requirements of:

(A) this chapter;

(B) Chapter 455 for obtaining a massage establishment license; and

(C) Chapter 1601 for obtaining a barbershop permit;

(2) submits an application on a form prescribed by the department; and

(3) pays the required fees.

(d) The holder of a barbershop and massage establishment license must comply with this chapter, Chapters 455, 1601, and 1603, and commission rules related to barbering and massage therapy.

Sec. 1604.102. DUAL SHOP AND MASSAGE ESTABLISHMENT LICENSE.

(a) The department may issue a dual shop and massage establishment license.

1       (b) A person holding a dual shop and massage establishment  
2 license may own, operate, or manage a shop or establishment in which  
3 any practice of barbering defined by Section 1601.002, cosmetology  
4 defined by Section 1602.002(a), or massage therapy or other massage  
5 services as defined by Section 455.001 are performed.

6       (c) The department shall issue a dual shop and massage  
7 establishment license to an applicant that:

8           (1) meets the requirements of:

9                   (A) this chapter;

10                   (B) Chapter 455 for obtaining a massage  
11 establishment license; and

12                   (C) Chapter 1603 for obtaining a dual shop  
13 license;

14           (2) submits an application on a form prescribed by the  
15 department; and

16           (3) pays the required fees.

17       (d) The holder of a dual shop and massage establishment  
18 license must comply with this chapter, Chapters 455, 1601, 1602,  
19 and 1603, and commission rules related to barbering, cosmetology,  
20 and massage therapy.

21       SECTION 4.006. Not later than June 1, 2020, the Texas  
22 Commission of Licensing and Regulation shall adopt rules as  
23 necessary to implement Chapter 1604, Occupations Code, as added by  
24 this Act.

25           ARTICLE 5. USED AUTOMOTIVE PARTS RECYCLERS

26       SECTION 5.001. Section 2309.106(a), Occupations Code, is  
27 amended to read as follows:

