

BILL ANALYSIS

Senate Research Center

S.B. 1480
By: Johnson
Criminal Justice
6/7/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A recent strategic plan by the Texas Department of Licensing and Regulation (TDLR) has identified and recommended a number of statutory changes and updates relating to certain educational programs regulated by TDLR.

S.B. 1480 amends the Government Code to establish the regulation of educational programs by TDLR to administer and enforce S.B. 1480's provisions regulate the court-ordered programs by taking the following actions:

- prescribe the application form for a license under those provisions;
- evaluate the qualifications of applicants; and
- enforce minimum standards applicable to program providers, instructors, and court-ordered programs.

S.B. 1480 requires TDLR to adopt rules and set non-refundable fees to cover the costs for the administration and enforcement of its provisions relating to court programs.

S.B. 1480 prohibits a person from providing or offering to provide a court-ordered program unless the person holds a program provider license and sets out the eligibility requirements for a program provider license and provides for the issuance of such licenses by TDLR for: alcohol educational program for minors; drug offense educational program; intervention program for intoxication; and intoxication offense educational program.

S.B. 1480 sets out certain restrictions on a license issued under S.B. 1480's provisions relating to transferability and use only for the program for which it was issued and provides for the term of a license and license renewal.

S.B. 1480 creates a third degree felony offense for a person who knowingly sells, trades, issues, or otherwise transfers or possesses with intent to sell, trade, issue, or otherwise transfer a certificate of program completion or a certificate number to a person not authorized to possess the certificate or number. S.B. 1480 creates a third degree felony offense for a person who knowingly possesses a certificate of program completion or a certificate number that the person is not authorized to possess.

(Original Author's / Sponsor's Statement of Intent)

S.B. 1480 amends current law relating to the licensing and regulation of certain drug and alcohol related court-ordered educational programs, provides administrative penalties, requires occupational licenses, authorizes fees, and creates criminal offenses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 (Sections 171.0053, 171.0054, 171.0102, 171.0154, 171.0155, 171.0252, 171.0253, 171.0303, and 171.0304, Government Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Licensing and Regulation is rescinded in SECTION 3 (Section 106.115, Alcoholic Beverage Code) and SECTION 19 (Article 42A.405, Code of Criminal Procedure) of this bill.

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is rescinded in SECTION 3 (Section 106.115, Alcoholic Beverage Code) of this bill.

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 17 (Section 521.375, Transportation Code) of this bill.

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is modified in SECTION 17 (Section 521.375, Transportation Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 17 (Section 521.375, Transportation Code) of this bill.

Rulemaking authority previously granted to the Department of State Health Services is rescinded in SECTION 19 (Section 54.047, Family Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Licensing and Regulation in SECTION 21 of this bill.

Rulemaking authority is expressly granted to executive director of the Texas Department of Licensing and Regulation in SECTION 21 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2, Government Code, by adding Subtitle M, as follows:

SUBTITLE M. COURT PROGRAMS REGULATION

CHAPTER 171. EDUCATIONAL PROGRAMS REGULATED BY TEXAS DEPARTMENT OF LICENSING AND REGULATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 171.0001. DEFINITIONS. Defines "alcohol educational program for minors," "certificate of program completion," "commission," "court-ordered program," "department," "drug offense educational program," "educational program for intoxication offenses," "executive director," "instructor," "intervention program for intoxication offenses," "participant," and "program provider."

Sec. 171.0002. APPLICABILITY. Provides that this chapter does not affect a court's jurisdiction or authority to require court-ordered programs. Authorizes a court to specify the type and format of the court-ordered program that the individual is required to complete.

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

Sec. 171.0051. GENERAL POWERS AND DUTIES. Requires the Texas Commission of Licensing and Regulation (TCLR), the Texas Department of Licensing and Regulation (TDLR), or the executive director of TDLR (executive director), as appropriate, to administer and enforce this chapter.

Sec. 171.0052. POWERS AND DUTIES OF DEPARTMENT. Requires TDLR to prescribe the application form for a license under this chapter, evaluate the qualifications of applicants, and enforce minimum standards applicable to program providers, instructors, and court-ordered programs.

Sec. 171.0053. RULES. (a) Requires TCLR to adopt rules necessary to administer and enforce this chapter. Requires that the rules regulating court-ordered programs under this chapter include the criteria for program administration; the structure, length, content, and manner of program delivery; the criteria for a participant to successfully complete the program; maintenance of program and participant records; reports to be filed with TDLR; and the use of supplemental educational materials.

(b) Authorizes TCLR to adopt rules for court-ordered programs related to program security and attendance verification; participant privacy; the conduct of instructors; teaching requirements for instructors; and participant evaluations, screenings, and exit interviews.

(c) Authorizes TCLR to require different information to be reported for each type of court-ordered program.

(d) Authorizes TCLR to consult with other state agencies in the development of rules under this section.

Sec. 171.0054. FEES. (a) Requires TCLR by rule to set fees in amounts that are reasonable and necessary to cover the costs of administering and enforcing this chapter, which may include fees for the issuance or renewal of a license; instructor training courses, materials, and any applicable examinations or end-of-course assessments; instructor continuing education courses; the issuance of a certificate of program completion or a certificate number; and the curricula and materials used for a court-ordered program.

(b) Provides that a fee imposed by TDLR under this chapter is not refundable.

(c) Authorizes TDLR or an authorized representative of TDLR to collect a fee imposed under this chapter. Authorizes an authorized representative of TDLR to charge a fee only in accordance with the terms of a contract with TDLR.

Sec. 171.0055. FORMAT OF COURT-ORDERED PROGRAM. Authorizes a provider to offer a court-ordered program under this chapter in-person or online.

Sec. 171.0056. CODE OF ETHICS. Requires TCLR to adopt and publish a code of ethics for license holders.

Sec. 171.0057. ELECTRONIC TRANSMISSION OF PROGRAM INFORMATION. Authorizes TDLR to develop and implement procedures to electronically transmit information regarding court-ordered programs to municipal and justice courts.

Sec. 171.0058. MEMORANDUM OF UNDERSTANDING. Authorizes TDLR to enter into a memorandum of understanding with the Department of Public Safety of the State of Texas (DPS), the Texas Department of Transportation (TxDOT), the Texas Department of Criminal Justice (TDCJ), the Health and Human Services Commission (HHSC), the Department of State Health Services (DSHS), the Office of Court Administration of the Texas Judicial System, or any other appropriate state agency regarding the development of rules, curricula, certificates of program completion, or certificate numbers for court-ordered programs.

SUBCHAPTER C. PROGRAM PROVIDER LICENSE REQUIREMENTS

Sec. 171.0101. PROGRAM PROVIDER LICENSE REQUIRED. Prohibits a person from providing or offering to provide a court-ordered program unless the person holds a program provider license issued under this chapter.

Sec. 171.0102. ELIGIBILITY REQUIREMENTS FOR PROGRAM PROVIDER LICENSE. (a) Requires TCLR by rule to establish eligibility requirements and criteria for the issuance of a program provider license under this chapter.

(b) Authorizes TCLR by rule to establish eligibility requirements based on the type of court-ordered program the applicant seeks to provide; whether the program is offered in-person or online; and if the program is offered in-person, the location where the program will be provided.

Sec. 171.0103. PROGRAM PROVIDER LICENSE ENDORSEMENTS. (a) Requires that a license for a program provider be endorsed with one or more of the following classifications:

- (1) the alcohol educational program for minors;
- (2) the drug offense educational program;
- (3) the educational program for intoxication offenses; or
- (4) the intervention program for intoxication offenses.

(b) Prohibits a license holder from providing a court-ordered program for which the person's license is not endorsed.

Sec. 171.0104. ISSUANCE OF PROGRAM PROVIDER LICENSE. Requires TDLR to issue a program provider license to an applicant who meets the eligibility requirements and criteria established by TCLR rule, submits a completed application to TDLR on the form prescribed by TDLR, and pays the nonrefundable license application fee set by TCLR.

SUBCHAPTER D. INSTRUCTOR LICENSE REQUIREMENTS AND ISSUANCE

Sec. 171.0151. INSTRUCTOR LICENSE REQUIRED. Prohibits a person from instructing or representing that the person is an instructor of a court-ordered program to which this chapter applies unless the person holds an instructor license issued under this subchapter with the appropriate endorsement for that program.

Sec. 171.0152. ISSUANCE OF INSTRUCTOR LICENSE. (a) Requires TDLR to issue an instructor license for a particular court-ordered program to an applicant who meets the eligibility requirements and criteria established by TCLR rule, submits a completed application to TDLR on the form prescribed by TDLR, successfully completes the instructor training course and any applicable examinations or end-of-course assessments under Section 171.0155, and pays the license application fee.

(b) Requires an instructor to carry the instructor license at all times while providing instruction at a court-ordered program.

Sec. 171.0153. INSTRUCTOR LICENSE ENDORSEMENTS. (a) Requires that an instructor license be endorsed with one or more of the following classifications:

- (1) the alcohol educational program for minors;
- (2) the drug offense educational program;
- (3) the educational program for intoxication offenses; or
- (4) the intervention program for intoxication offenses.

(b) Prohibits a license holder from instructing a court-ordered program for which the person's license is not endorsed.

Sec. 171.0154. ELIGIBILITY REQUIREMENTS FOR INSTRUCTOR LICENSE. Requires TCLR by rule to establish requirements for the issuance of an instructor license under this chapter. Authorizes TCLR by rule to establish eligibility criteria for instructors based on the type of court-ordered program for which the applicant seeks an endorsement, including education and experience requirements.

Sec. 171.0155. INSTRUCTOR TRAINING COURSE; EXAMINATION OR ASSESSMENT. (a) Requires TCLR by rule to establish the requirements for the instructor training course and any applicable examinations or end-of-course assessments.

(b) Requires TDLR or an authorized representative of TDLR to provide the training course and administer examinations for applicants for an instructor license.

(c) Requires the applicant to pay all fees associated with the instructor training course and any applicable examinations or end-of-course assessments.

SUBCHAPTER E. RESTRICTIONS ON LICENSE

Sec. 171.0201. LICENSE NOT TRANSFERABLE. Provides that a license issued under this chapter is not transferable or assignable.

Sec. 171.0202. PROGRAM PROVIDER CHANGE OF OWNERSHIP. Requires the proposed new owner, not less than 30 days before the date of a change in ownership of a program provider, to apply for a new program provider license with an endorsement for each type of court-ordered program to be offered by the new owner.

SUBCHAPTER F. LICENSE TERM AND RENEWAL

Sec. 171.0251. LICENSE TERM. Provides that a license issued under this chapter is valid for one or two years from the date of issuance as prescribed by TCLR rule.

Sec. 171.0252. LICENSE RENEWAL. Requires TCLR by rule to establish the requirements for renewing a license issued under this chapter, including the payment of applicable fees.

Sec. 171.0253. CONTINUING EDUCATION FOR RENEWAL OF INSTRUCTOR LICENSE. Requires TCLR by rule to establish the minimum number of hours of continuing education that a license holder is required to complete to renew an instructor license issued under Subchapter D. Authorizes TCLR to require a different number of hours of continuing education for each type of court-ordered program for which the license holder holds an endorsement.

SUBCHAPTER G. REQUIREMENTS FOR COURT-ORDERED PROGRAMS

Sec. 171.0301. GENERAL REQUIREMENTS FOR COURT-ORDERED PROGRAMS. (a) Requires TDLR or the authorized representative of TDLR to develop the curriculum and educational materials to be used for each court-ordered program.

(b) Requires that a court-ordered program be provided by a program provider licensed for the type of program, taught by an instructor with the appropriate endorsement for the program using curriculum approved by TDLR, and delivered in the program format or at the location approved by TDLR.

(c) Authorizes a program provider to only employ or contract with an instructor who holds a license with an endorsement for the program being provided.

Sec. 171.0302. **DISCRIMINATION PROHIBITED.** Prohibits a program provider or instructor from discriminating against participants based on sex, race, religion, age, national or ethnic origin, or disability.

Sec. 171.0303. **CERTIFICATE OF PROGRAM COMPLETION.** (a) Requires TDLR to issue or provide for the issuance of a certificate of program completion or certificate number showing completion of a court-ordered program.

(b) Requires TCLR by rule to provide for the form, design, content, and distribution of certificates of program completion and certificate numbers.

(c) Requires TCLR by rule to adopt a system for program providers to provide for the appropriate care, custody, and control of certificates of program completion and certificate numbers.

(d) Requires TCLR by rule to establish requirements regarding the submission of a copy of a certificate of program completion or certificate number to the appropriate court, state agency, or community supervision and corrections department.

(e) Requires a program provider to submit to TDLR information regarding programs, instructors, and participants. Authorizes TCLR to require different information to be reported for each type of court-ordered program.

(f) Requires a program provider to submit to TDLR required information relating to certificates of program completion issued by the program provider in a manner prescribed by TDLR.

Sec. 171.0304. **DISPLAY OF LICENSE AND DEPARTMENT CONTACT INFORMATION.** Requires TCLR by rule to establish:

(1) requirements for providers and instructors regarding the displaying or posting of a license or providing notice of a license number to a participant of a court-ordered program; and

(2) notification methods for providers and instructors to provide a participant with the name of TDLR, mailing address, telephone number, and Internet website address for the purpose of submitting a complaint regarding the court-ordered program.

Sec. 171.0305. **INFORMATION REQUIRED.** Requires a program provider to maintain and make available to participants information regarding course fees, schedules, methods of course delivery, and locations, as applicable, for all court-ordered programs provided by the program provider.

SUBCHAPTER H. PROHIBITED PRACTICES AND ENFORCEMENT

Sec. 171.0351. **PROHIBITED PRACTICES BY ALL LICENSE HOLDERS.** Prohibits a license holder from:

(1) using advertising that is false, misleading, or deceptive; or

(2) issuing, selling, trading, or transferring a certificate of program completion or a certificate number to a person who has not successfully completed the applicable court-ordered program or who is not otherwise authorized to possess the certificate or number.

Sec. 171.0352. **GROUND FOR DISCIPLINARY ACTIONS.** Authorizes TCLR or the executive director to deny an application for an initial or renewal license, revoke or

suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder who:

- (1) violates this chapter, a rule adopted under this chapter, or an order of TCLR or the executive director;
- (2) permits or engages in misrepresentation, fraud, or deceit regarding a court-ordered program provided or instructed by the license holder;
- (3) engages in conduct that harms, endangers, or is likely to harm or endanger the health, welfare, or safety of a participant or the public as defined by TCLR rule;
- (4) violates the code of ethics adopted and published by TCLR; or
- (5) violates a standard of practice or conduct as adopted by TCLR rule.

Sec. 171.0353. **DISCIPLINARY ACTION; ADMINISTRATIVE PENALTY.** Provides that, if a person violates this chapter or an order issued or a rule adopted under this chapter, the person is subject to any action or penalty under Subchapter F (Administrative Penalty) or G (Other Penalties and Enforcement Provisions), Chapter 51 (Texas Department of Licensing and Regulation), Occupations Code.

Sec. 171.0354. **AUDITS OF PROVIDERS AND PROGRAMS.** (a) Authorizes TDLR to conduct audits of the program providers and the court-ordered programs to verify compliance with this chapter. Authorizes these audits to be conducted onsite, remotely, or through other means, and to include audits of records and courses.

- (b) Requires a program provider, instructor, or any person associated with a court-ordered program to cooperate with TDLR during an audit under this section, provide or make available to TDLR any documents or records related to the audit, unless otherwise prohibited by law, and provide TDLR with access to courses and facilities related to the audit.

Sec. 171.0355. **INVESTIGATIONS.** (a) Requires a program provider, instructor, or any person associated with a court-ordered program to cooperate with TDLR during an investigation of a complaint under this chapter, and provide or make available to TDLR on request any documents or records related to the investigation, including all instructor records, unless otherwise prohibited by law.

- (b) Authorizes TDLR to contract with DPS to provide investigative assistance in the enforcement of this chapter.

Sec. 171.0356. **UNLAWFUL TRANSFER OF CERTIFICATE OF PROGRAM COMPLETION OR CERTIFICATE NUMBER; OFFENSE.** (a) Provides that a person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a certificate of program completion or a certificate number to a person not authorized to possess the certificate or number.

- (b) Provides that an offense under this section is a Class A misdemeanor.

Sec. 171.0357. **UNLAWFUL POSSESSION OF CERTIFICATE OF PROGRAM COMPLETION OR CERTIFICATE NUMBER; OFFENSE.** (a) Provides that a person commits an offense if the person knowingly possesses a certificate of program completion or a certificate number that the person is not authorized to possess under this chapter.

- (b) Provides that an offense under this section is a Class A misdemeanor.

SECTION 2. Amends the heading to Section 106.115, Alcoholic Beverage Code, to read as follows:

Sec. 106.115. ALCOHOL AWARENESS PROGRAM; LICENSE SUSPENSION.

SECTION 3. Amends Section 106.115, Alcoholic Beverage Code, by amending Subsections (a) and (b-2) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires a court, on the placement of a minor on deferred disposition for an offense under certain sections of this code and the Penal Code, to require the defendant to successfully complete one of the following programs:

(1) an alcohol awareness program under this section that is regulated under Chapter 171, Government Code;

(2) a drug education program under Section 521.374(a)(1), Transportation Code, that is regulated under Chapter 171, Government Code; or

(3) a drug and alcohol driving awareness program under Section 1001.103 (Drug and Alcohol Driving Awareness Programs), Education Code.

Deletes existing text requiring the court to require the defendant to attend an alcohol awareness program approved by TDLR, a drug education program approved by DSHS in accordance with Section 521.374, or a drug and alcohol driving awareness program approved by TEA.

(a-1) Creates this subsection from existing text. Requires the court, on conviction of a minor of an offense under certain sections of this code and the Penal Code, in addition to assessing a fine as provided by those sections, to require a defendant who has not been previously convicted of an offense under one of those sections to successfully complete, rather than attend, an alcohol awareness program, a drug education program, or a drug and alcohol driving awareness program described by Subsection (a). Makes conforming and nonsubstantive changes.

(a-2) Creates this subsection from existing text. Authorizes the court, if the defendant is younger than 18 years of age, to require the parent or guardian of the defendant to attend the program described by Subsection (a) with the defendant. Deletes existing text providing that TDLR or TCLR, as appropriate, is responsible for the administration of the certification of approved alcohol awareness programs, is authorized to charge certain nonrefundable application fees, is required to adopt rules regarding alcohol awareness programs approved under this section, and is required to monitor, coordinate, and provide training to a person who provides an alcohol awareness program. Makes a conforming change.

(b-2) Provides that, if a defendant is not enrolled in public school, the defendant's residence is determined by the court, rather than determined as provided by TCLR rule.

SECTION 4. Amends the heading to Article 42A.403, Code of Criminal Procedure, to read as follows:

Art. 42A.403. EDUCATIONAL PROGRAM FOR CERTAIN INTOXICATION OFFENSES; WAIVER OR EXTENSION OF TIME.

SECTION 5. Amends Articles 42A.403(a) and (d), Code of Criminal Procedure, as follows:

(a) Requires a judge who places on community supervision a defendant convicted of an offense under Sections 49.04 (Driving While Intoxicated) - 49.08 (Intoxication Manslaughter), Penal Code, to require as a condition of community supervision that the defendant successfully complete, before the 181st day after the date community supervision is granted, an educational program designed to rehabilitate persons who have

driven while intoxicated that is regulated by TDLR under Chapter 171, Government Code. Deletes existing text requiring the judge to require as a condition of community supervision that the defendant attend and successfully complete an educational program designed to rehabilitate persons who have driven while intoxicated that is jointly approved by DPS, the traffic safety section of the traffic operations division of TxDOT, and the community justice assistance division of TDCJ. Makes nonsubstantive changes.

(d) Provides that, in determining good cause for granting the defendant's motion to waive the educational program requirement or to grant an extension to enable the defendant to successfully complete the program, the judge is authorized to consider but is not limited to considering certain matters including the distance that the defendant must travel to attend an in-person educational program and whether the defendant has access to reliable Internet service sufficient to successfully complete an educational program offered online. Makes nonsubstantive changes.

SECTION 6. Amends the heading to Article 42A.404, Code of Criminal Procedure, to read as follows:

Art. 42A.404. EDUCATIONAL PROGRAM FOR CERTAIN REPEAT INTOXICATION OFFENSES; WAIVER.

SECTION 7. Amends Articles 42A.404(a) and (b), Code of Criminal Procedure, as follows:

(a) Requires the judge to require a defendant who is punished under Section 49.09 (Enhanced Offenses and Penalties), Penal Code, to attend and successfully complete as a condition of community supervision an educational program for repeat offenders that is regulated by TDLR under Chapter 171, Government Code, rather than approved by TDLR.

(b) Authorizes the judge, in determining if the defendant by a motion in writing shows good cause to waive the educational program requirement, to consider among other matters whether the defendant has access to reliable Internet service sufficient to successfully complete an educational program offered online. Makes conforming and nonsubstantive changes.

SECTION 8. Amends Article 42A.406(a), Code of Criminal Procedure, to make a conforming change.

SECTION 9. Amends Articles 42A.407(b) and (c), Code of Criminal Procedure, to make conforming changes.

SECTION 10. Amends Article 42A.514(a), Code of Criminal Procedure, as follows:

(a) Authorizes a judge, if the judge grants community supervision to a defendant younger than 18 years of age convicted of an alcohol-related offense under certain sections of the Alcoholic Beverage Code or Penal Code or an offense involving possession of a controlled substance or marihuana under certain sections of the Texas Controlled Substance Act, to require the defendant as a condition of community supervision to successfully complete, as appropriate:

(1) an alcohol awareness program under Section 106.115, Alcoholic Beverage Code, that is regulated by TDLR under Chapter 171, Government Code; or

(2) a drug education program that is designed to educate persons on the dangers of drug abuse in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by TDLR under Chapter 171, Government Code, rather than is approved by DSHS in accordance with Section 521.374, Transportation Code.

SECTION 11. Amends Articles 45.051(b) and (g), Code of Criminal Procedure, as follows:

(b) Authorizes the judge, during the disposition deferral period, to require a defendant to successfully complete an alcohol or drug abuse treatment or education program, such as a drug education program that is designed to educate persons on the dangers of drug abuse in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by TDLR under Chapter 171, Government Code, or an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code, that is regulated by TDLR under Chapter 171, Government Code. Makes conforming changes.

(g) Makes conforming changes to this subsection.

SECTION 12. Amends Sections 53.03(h-1) and (h-2), Family Code, as follows:

(h-1) Authorizes deferred prosecution under Section 53.03 (Deferred Prosecution), if a child is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision that violates certain sections of the Texas Controlled Substances Act to include a condition that the child successfully complete a drug education program that is designed to educate persons on the dangers of drug abuse in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by TDLR under Chapter 171, Government Code. Makes conforming changes.

(h-2) Makes conforming changes to this subsection.

SECTION 13. Amends Sections 54.047(a), (b), and (f), Family Code, to make conforming changes.

SECTION 14. Amends Section 461A.052(a), Health and Safety Code, as follows:

(a) Deletes existing text requiring DSHS to regulate, coordinate, and provide training for alcohol awareness courses required under Section 106.115, Alcoholic Beverage Code, and authorizing DSHS to charge a fee for an activity performed by DSHS under this subdivision.

SECTION 15. Reenacts Section 521.374(a), Transportation Code, as amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B. 642), Acts of the 84th Legislature, Regular Session, 2015, and amends it, as follows:

(a) Authorizes a person whose driver's license is suspended under Section 521.372 (Automatic Suspension; License Denial) to:

(1) successfully complete an in-person or online educational program, approved by TDLR under Chapter 171, Government Code, that is designed to educate persons on the dangers of drug abuse, rather than attend an educational program, approved by DSHS under rules adopted by TCLR, the executive commissioner of HHSC, and DSHS, that is designed to educate persons on the dangers of drug abuse; or

(2) makes no changes to this subdivision.

SECTION 16. Amends Section 521.374(b), Transportation Code, to make conforming changes.

SECTION 17. Reenacts Section 521.375, Transportation Code, as amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, and amends it, as follows:

Sec. 521.375. JOINT ADOPTION OF RULES. (a) Requires TCLR and DPS to jointly adopt rules for the qualification and approval of providers of in-person and online educational programs under Section 521.374(a)(1), rather than for the qualification and approval of providers of educational programs under Section 521.374.

(a-1) Creates this subsection from existing text. Deletes existing text requiring the executive commissioner of HHSC and DPS to jointly adopt rules for the qualification and approval of providers of educational programs under Section 521.374(a)(1). Makes nonsubstantive changes.

(b) Requires TDLR to publish the jointly adopted rules under Subsection (a).

(c) Creates this subsection from existing text. Requires DSHS to publish the jointly adopted rules under Subsection (a-1).

SECTION 18. Reenacts Section 521.376, Transportation Code, as amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, and amends it, as follows:

Sec. 521.376. New heading: DUTIES OF TEXAS DEPARTMENT OF LICENSING AND REGULATION AND DEPARTMENT OF STATE HEALTH SERVICES; APPLICATION AND RENEWAL FEES. (a) Creates this subsection from existing text. Provides that TDLR:

(1) is required to monitor, coordinate, and provide training to persons who provide in-person and online educational programs under Section 521.374(a)(1);

(2) is required to administer the approval of those in-person and online educational programs; and

(3) is authorized to charge a nonrefundable application fee to the provider of an in-person or online educational program under Section 521.374(a)(1) for initial certification of approval and renewal of the certification.

Makes conforming changes.

(b) Creates this subsection from existing text. Provides that DSHS is required to monitor, coordinate, and provide training to residential treatment facilities described by Section 521.374(a)(2) providing equivalent education, and to administer the approval of the equivalent education provided in a residential treatment facility. Deletes existing text providing that DSHS is required to monitor, coordinate, and provide training to persons who provide educational programs under Section 521.374(a)(1); is required to administer the approval of the educational programs provided in a residential treatment facility; and is authorized to charge a nonrefundable application fee to the provider of an educational program under Section 521.374(a)(1) for initial certification of approval and renewal of the certification. Makes nonsubstantive changes.

SECTION 19. (1) Repealer: Section 106.115(b) (relating to authorizing an alcohol awareness program to be taught in languages other than English when requested), Alcoholic Beverage Code.

(2) Repealer: Article 42A.405 (Rules for and Administration of Educational Programs), Code of Criminal Procedure.

(3) Repealer: Section 54.047(e) (relating to providing that DSHS is responsible for the administration of the certification of drug education programs, is authorized to charge a certain fees, is required to adopt rules regarding such programs, and is required to monitor and train program providers), Family Code.

SECTION 20. (a) Provides that, for purposes of this section, any reference in law to a license to provide or instruct a court-ordered program includes a certification under the law as it existed immediately before the effective date of this Act.

(b) Requires that a program provider license or an instructor license issued before the effective date of this Act, on the effective date of this Act, continues to be valid until the license expires.

(c) Provides that an application for an initial program provider or instructor license or for renewal of a program provider or instructor license submitted to TDLR on or after the effective date of this Act is governed by Chapter 171, Government Code, as added by this Act. Provides that an application submitted before that date is governed by the laws and rules in effect when the application was submitted, and the former laws and rules are continued in effect for that purpose.

(d) Provides that a person who holds an instructor license prior to the effective date of this Act is eligible to renew that license on or after the effective date of this Act, if the license is current or is within the late renewal period, and the person's instructor eligibility requirements remain in effect at the time of renewal.

(e) Requires a person, on or after the effective date of this Act, if the person's instructor license expires beyond the late renewal period or if the license is revoked, to apply for a new license and meet the instructor eligibility and other license requirements in effect at the time of the new application.

SECTION 21. (a) Requires TCLR, TDLR, and the executive director of TDLR, as appropriate, as soon as practicable after the effective date of this Act, to adopt rules and forms necessary to implement Chapter 171, Government Code, as added by this Act.

(b) Provides that all rules, fees, policies, procedures, decisions, and forms that relate to a program or activity regulated under this Act and that are in effect on the effective date of this Act remain in effect until changed by TCLR, TDLR, or the executive director of TDLR, as appropriate.

SECTION 22. Effective date: September 1, 2021.