

By: Guillen

H.B. No. 4184

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of certain drug and alcohol related court-ordered educational programs; providing administrative penalties; requiring occupational licenses; authorizing fees; creating criminal offenses.

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

SECTION 1. Title 2, Government Code, is amended by adding Subtitle M to read 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. In this chapter:

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

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

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

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

- 1 (A) the alcohol educational program for minors;
2 (B) the drug offense educational program;
3 (C) the intervention program for intoxication
4 offenses; or
5 (D) the educational program for intoxication
6 offenses.

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

9 (6) "Drug offense educational program" means an
10 educational program described by Section 521.374(a)(1),
11 Transportation Code.

12 (7) "Educational program for intoxication offenses"
13 means an educational program described by Article 42A.403, Code of
14 Criminal Procedure.

15 (8) "Executive director" means the executive director
16 of the department.

17 (9) "Instructor" means a person licensed by the
18 department to instruct a court-ordered program.

19 (10) "Intervention program for intoxication offenses"
20 means an educational program described by Article 42A.404, Code of
21 Criminal Procedure.

22 (11) "Participant" means a person who attends, takes,
23 or completes a court-ordered program.

24 (12) "Program provider" means a person licensed by the
25 department to offer or provide a court-ordered program.

26 Sec. 171.0002. APPLICABILITY. This chapter does not affect
27 a court's jurisdiction or authority to require court-ordered

1 programs. A court may specify the type and format of the
2 court-ordered program that must be completed by the individual.

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. The rules
17 regulating court-ordered programs under this chapter must include:

18 (1) the criteria for program administration;

19 (2) the structure, length, content, and manner of
20 program delivery;

21 (3) the criteria for a participant to successfully
22 complete the program;

23 (4) maintenance of program and participant records;

24 (5) reports to be filed with the department; and

25 (6) the use of supplemental educational materials.

26 (b) The commission may adopt rules for court-ordered
27 programs related to:

- 1 (1) program security and attendance verification;
- 2 (2) participant privacy;
- 3 (3) the conduct of instructors;
- 4 (4) teaching requirements for instructors; and
- 5 (5) participant evaluations, screenings, and exit
- 6 interviews.

7 (c) The commission may require different information to be
8 reported for each type of court-ordered program.

9 (d) The commission may consult with other state agencies in
10 the development of rules under this section.

11 Sec. 171.0054. FEES. (a) The commission by rule shall set
12 fees in amounts that are reasonable and necessary to cover the costs
13 of administering and enforcing this chapter, which may include fees
14 for:

- 15 (1) the issuance or renewal of a license;
- 16 (2) instructor training courses, materials, and any
- 17 applicable examinations or end-of-course assessments;
- 18 (3) instructor continuing education courses;
- 19 (4) the issuance of a certificate of program
- 20 completion or a certificate number; and
- 21 (5) the curricula and materials used for a
- 22 court-ordered program.

23 (b) A fee imposed by the department under this chapter is
24 not refundable.

25 (c) The department or the department's authorized
26 representative may collect a fee imposed under this chapter. An
27 authorized representative of the department may charge a fee only

1 in accordance with the terms of a contract with the department.

2 Sec. 171.0055. FORMAT OF COURT-ORDERED PROGRAM. A provider
3 may offer a court-ordered program under this chapter in-person or
4 online.

5 Sec. 171.0056. CODE OF ETHICS. The commission shall adopt
6 and publish a code of ethics for license holders.

7 Sec. 171.0057. ELECTRONIC TRANSMISSION OF PROGRAM
8 INFORMATION. The department may develop and implement procedures
9 to electronically transmit information regarding court-ordered
10 programs to municipal and justice courts.

11 Sec. 171.0058. MEMORANDUM OF UNDERSTANDING. The department
12 may enter into a memorandum of understanding with the Department of
13 Public Safety, the Texas Department of Transportation, the Texas
14 Department of Criminal Justice, the Health and Human Services
15 Commission, the Department of State Health Services, the Office of
16 Court Administration of the Texas Judicial System, or any other
17 appropriate state agency regarding the development of rules,
18 curricula, certificates of program completion, or certificate
19 numbers for court-ordered programs.

20 SUBCHAPTER C. PROGRAM PROVIDER LICENSE REQUIREMENTS

21 Sec. 171.0101. PROGRAM PROVIDER LICENSE REQUIRED. A person
22 may not provide or offer to provide a court-ordered program unless
23 the person holds a program provider license issued under this
24 chapter.

25 Sec. 171.0102. ELIGIBILITY REQUIREMENTS FOR PROGRAM
26 PROVIDER LICENSE. (a) The commission by rule shall establish
27 eligibility requirements and criteria for the issuance of a program

1 provider license under this chapter.

2 (b) The commission by rule may establish eligibility
3 requirements based on:

4 (1) the type of court-ordered program the applicant
5 seeks to provide;

6 (2) whether the program is offered in-person or
7 online;

8 (3) if the program is offered in-person, the location
9 where the program will be provided; and

10 (4) the location of the applicant's headquarters and
11 any branch locations.

12 Sec. 171.0103. PROGRAM PROVIDER LICENSE ENDORSEMENTS. (a)
13 A license for a program provider must be endorsed with one or more
14 of the following classifications:

15 (1) the alcohol educational program for minors;

16 (2) the drug offense educational program;

17 (3) the educational program for intoxication
18 offenses; or

19 (4) the intervention program for intoxication
20 offenses.

21 (b) A license holder may not provide a court-ordered program
22 for which the person's license is not endorsed.

23 Sec. 171.0104. ISSUANCE OF PROGRAM PROVIDER LICENSE. The
24 department shall issue a program provider license to an applicant
25 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; and

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

5 SUBCHAPTER D. INSTRUCTOR LICENSE REQUIREMENTS AND ISSUANCE

6 Sec. 171.0151. INSTRUCTOR LICENSE REQUIRED. A person may
7 not instruct or represent that the person is an instructor of a
8 court-ordered program to which this chapter applies unless the
9 person holds an instructor license issued under this subchapter
10 with the appropriate endorsement for that program.

11 Sec. 171.0152. ISSUANCE OF INSTRUCTOR LICENSE. (a) The
12 department shall issue an instructor license for a particular
13 court-ordered program to an applicant who:

14 (1) meets the eligibility requirements and criteria
15 established by commission rule;

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

18 (3) successfully completes the instructor training
19 course and any applicable examinations or end-of-course
20 assessments under Section 171.0155; and

21 (4) pays the license application fee.

22 (b) An instructor shall carry the instructor license at all
23 times while providing instruction at a court-ordered program.

24 Sec. 171.0153. INSTRUCTOR LICENSE ENDORSEMENTS. (a) An
25 instructor license must be endorsed with one or more of the
26 following classifications:

27 (1) the alcohol educational program for minors;

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

6 (b) A license holder may not instruct a court-ordered
7 program for which the person's license is not endorsed.

8 Sec. 171.0154. ELIGIBILITY REQUIREMENTS FOR INSTRUCTOR
9 LICENSE. The commission by rule shall establish requirements for
10 the issuance of an instructor license under this chapter. The
11 commission by rule may establish eligibility criteria for
12 instructors based on the type of court-ordered program for which
13 the applicant seeks an endorsement, including education and
14 experience requirements.

15 Sec. 171.0155. INSTRUCTOR TRAINING COURSE; EXAMINATION OR
16 ASSESSMENT. (a) The commission by rule shall establish the
17 requirements for the instructor training course and any applicable
18 examinations or end-of-course assessments.

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

22 (c) The applicant must pay all fees associated with the
23 instructor training course and any applicable examinations or
24 end-of-course assessments.

25 SUBCHAPTER E. RESTRICTIONS ON LICENSE

26 Sec. 171.0201. LICENSE NOT TRANSFERABLE. A license issued
27 under this chapter is not transferable or assignable.

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

6 SUBCHAPTER F. LICENSE TERM AND RENEWAL

7 Sec. 171.0251. LICENSE TERM. A license issued under this
8 chapter is valid for one or two years from the date of issuance as
9 prescribed by commission rule.

10 Sec. 171.0252. LICENSE RENEWAL. The commission by rule
11 shall establish the requirements for renewing a license issued
12 under this chapter, including the payment of applicable fees.

13 Sec. 171.0253. CONTINUING EDUCATION FOR RENEWAL OF
14 INSTRUCTOR LICENSE. The commission by rule shall establish the
15 minimum number of hours of continuing education that a license
16 holder must complete to renew an instructor license issued under
17 Subchapter D. The commission may require a different number of
18 hours of continuing education for each type of court-ordered
19 program for which the license holder holds an endorsement.

20 SUBCHAPTER G. REQUIREMENTS FOR COURT-ORDERED PROGRAMS

21 Sec. 171.0301. GENERAL REQUIREMENTS FOR COURT-ORDERED
22 PROGRAMS. (a) The department or the department's authorized
23 representative shall develop the curriculum and educational
24 materials to be used for each court-ordered program.

25 (b) A court-ordered program must be:

26 (1) provided by a program provider licensed for the
27 type of program;

1 (2) taught by an instructor with the appropriate
2 endorsement for the program using curriculum approved by the
3 department; and

4 (3) delivered in the program format or at the location
5 approved by the department.

6 (c) A program provider may only employ or contract with an
7 instructor who holds a license with an endorsement for the program
8 being provided.

9 Sec. 171.0302. DISCRIMINATION PROHIBITED. A program
10 provider or instructor may not discriminate against participants
11 based on sex, race, religion, age, national or ethnic origin, or
12 disability.

13 Sec. 171.0303. CERTIFICATE OF PROGRAM COMPLETION. (a) The
14 department shall issue or provide for the issuance of a certificate
15 of program completion or certificate number showing completion of a
16 court-ordered program.

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

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

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

27 (e) A program provider shall submit to the department

1 information regarding programs, instructors, and participants.
2 The commission may require different information to be reported for
3 each type of court-ordered program.

4 (f) A program provider shall submit to the department
5 required information relating to certificates of program
6 completion issued by the program provider in a manner prescribed by
7 the department.

8 Sec. 171.0304. DISPLAY OF LICENSE AND DEPARTMENT CONTACT
9 INFORMATION. The commission by rule shall establish:

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

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

19 Sec. 171.0305. ADVERTISEMENTS. The commission by rule may
20 establish requirements regarding advertisements for providers,
21 instructors, and court-ordered programs.

22 Sec. 171.0306. INFORMATION REQUIRED. A program provider
23 shall maintain and make available to participants information
24 regarding course fees, schedules, methods of course delivery, and
25 locations, as applicable, for all court-ordered programs provided
26 by the program provider.

1 SUBCHAPTER H. PROHIBITED PRACTICES AND ENFORCEMENT

2 Sec. 171.0351. PROHIBITED PRACTICES BY ALL LICENSE HOLDERS.

3 A license holder may not:

4 (1) use advertising that is false, misleading, or
5 deceptive; or

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

10 Sec. 171.0352. GROUNDS FOR DISCIPLINARY ACTIONS. The
11 commission or executive director may deny an application for an
12 initial or renewal license, revoke or suspend a license, place on
13 probation a person whose license has been suspended, or reprimand a
14 license holder who:

15 (1) violates this chapter, a rule adopted under this
16 chapter, or an order of the commission or executive director;

17 (2) permits or engages in misrepresentation, fraud, or
18 deceit regarding a court-ordered program provided or instructed by
19 the license holder;

20 (3) engages in conduct that harms, endangers, or is
21 likely to harm or endanger the health, welfare, or safety of a
22 participant or the public as defined by commission rule;

23 (4) violates the code of ethics adopted and published
24 by the commission; or

25 (5) violates a standard of practice or conduct as
26 adopted by commission rule.

27 Sec. 171.0353. DISCIPLINARY ACTION; ADMINISTRATIVE

1 PENALTY. If a person violates this chapter or an order issued or a
2 rule adopted under this chapter, the person is subject to any action
3 or penalty under Subchapter F or G, Chapter 51, Occupations Code.

4 Sec. 171.0354. AUDITS OF PROVIDERS AND PROGRAMS. (a) The
5 department may conduct audits of the program providers and the
6 court-ordered programs to verify compliance with this chapter.
7 These audits may be conducted onsite, remotely, or through other
8 means, and may include audits of records and courses.

9 (b) A program provider, instructor, or any person
10 associated with a court-ordered program shall:

11 (1) cooperate with the department during an audit
12 under this section;

13 (2) provide or make available to the department any
14 documents or records related to the audit, unless otherwise
15 prohibited by law; and

16 (3) provide the department with access to courses and
17 facilities related to the audit.

18 Sec. 171.0355. INVESTIGATIONS. (a) A program provider,
19 instructor, or any person associated with a court-ordered program
20 shall:

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

23 (2) provide or make available to the department on
24 request any documents or records related to the investigation,
25 including all instructor records, unless otherwise prohibited by
26 law.

27 (b) The department may contract with the Department of

1 Public Safety to provide investigative assistance in the
2 enforcement of this chapter.

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

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

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

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

19 SECTION 2. The heading to Section 106.115, Alcoholic
20 Beverage Code, is amended to read as follows:

21 Sec. 106.115. ATTENDANCE AT ALCOHOL AWARENESS PROGRAM
22 [~~COURSE~~]; LICENSE SUSPENSION.

23 SECTION 3. Section 106.115, Alcoholic Beverage Code, is
24 amended by amending Subsections (a) and (b-2) and adding
25 Subsections (a-1) and (a-2) to read as follows:

26 (a) On the placement of a minor on deferred disposition for
27 an offense under Section 49.02, Penal Code, or under Section

1 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court
2 shall require the defendant to successfully complete one of the
3 following programs:

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

7 (2) [~~7~~] a drug education program under [~~approved by~~
8 ~~the Department of State Health Services in accordance with~~] Section
9 521.374(a)(1) [521.374], Transportation Code, that is regulated
10 under Chapter 171, Government Code; or

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

14 (a-1) On conviction of a minor of an offense under Section
15 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041,
16 106.05, or 106.07 [~~one or more of those sections~~], the court, in
17 addition to assessing a fine as provided by those sections, shall
18 require a defendant who has not been previously convicted of an
19 offense under one of those sections to successfully complete
20 [~~attend~~] an alcohol awareness program, a drug education program, or
21 a drug and alcohol driving awareness program described by
22 Subsection (a) [~~this subsection~~]. If the defendant has been
23 previously convicted once or more of an offense under one or more of
24 those sections, the court may require the defendant to successfully
25 complete [~~attend~~] an alcohol awareness program, a drug education
26 program, or a drug and alcohol driving awareness program described
27 by Subsection (a) [~~this subsection~~].

1 (a-2) If the defendant is younger than 18 years of age, the
2 court may require the parent or guardian of the defendant to
3 successfully complete ~~[attend]~~ the program described by Subsection
4 (a) with the defendant. ~~[The Texas Department of Licensing and~~
5 ~~Regulation or Texas Commission of Licensing and Regulation, as~~
6 ~~appropriate:~~

7 ~~[(1) is responsible for the administration of the~~
8 ~~certification of approved alcohol awareness programs;~~

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

10 ~~[(A) initial certification of the approval; or~~

11 ~~[(B) renewal of the certification;~~

12 ~~[(3) shall adopt rules regarding alcohol awareness~~
13 ~~programs approved under this section; and~~

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

16 (b-2) For purposes of Subsection (b-1), if the defendant is
17 enrolled in an institution of higher education located in a county
18 in which access to an alcohol awareness program is readily
19 available, the court may consider the defendant to be a resident of
20 that county. If the defendant is not enrolled in such an institution
21 of higher education or if the court does not consider the defendant
22 to be a resident of the county in which the institution is located,
23 the defendant's residence is the residence listed on the
24 defendant's driver's license or personal identification
25 certificate issued by the Department of Public Safety. If the
26 defendant does not have a driver's license or personal
27 identification certificate issued by the Department of Public

1 Safety, the defendant's residence is the residence on the
2 defendant's voter registration certificate. If the defendant is not
3 registered to vote, the defendant's residence is the residence on
4 file with the public school district on which the defendant's
5 enrollment is based. If the defendant is not enrolled in public
6 school, the defendant's residence is determined [~~as provided~~] by
7 the court [~~commission rule~~].

8 SECTION 4. The heading to Article 42A.403, Code of Criminal
9 Procedure, is amended to read as follows:

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

12 SECTION 5. Articles 42A.403(a) and (d), Code of Criminal
13 Procedure, are amended to read as follows:

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

21 [~~(1)~~] the Texas Department of Licensing and Regulation
22 under Chapter 171, Government Code [+]

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

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

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

1 (d) In determining good cause, the judge may consider but is
2 not limited to:

3 (1) the defendant's school and work schedule;

4 (2) the defendant's health;

5 (3) the distance that the defendant must travel to
6 attend an in-person educational program; ~~and~~

7 (4) the fact that the defendant resides out of state,
8 does not have a valid driver's license, or does not have access to
9 transportation; and

10 (5) whether the defendant has access to reliable
11 Internet service sufficient to successfully complete an
12 educational program offered online.

13 SECTION 6. The heading to Article 42A.404, Code of Criminal
14 Procedure, is amended to read as follows:

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

17 SECTION 7. Articles 42A.404(a) and (b), Code of Criminal
18 Procedure, are amended to read as follows:

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

25 (b) The judge may waive the educational program requirement
26 if the defendant by a motion in writing shows good cause. In
27 determining good cause, the judge may consider:

- 1 (1) the defendant's school and work schedule;
- 2 (2) the defendant's health;
- 3 (3) the distance that the defendant must travel to
- 4 attend an in-person educational program; ~~and~~
- 5 (4) whether the defendant resides out of state or does
- 6 not have access to transportation; and
- 7 (5) whether the defendant has access to reliable
- 8 Internet service sufficient to successfully complete an
- 9 educational program offered online.

10 SECTION 8. Article 42A.406(a), Code of Criminal Procedure,

11 is amended to read as follows:

12 (a) If a defendant is required as a condition of community

13 supervision to successfully complete ~~attend~~ an educational

14 program under Article 42A.403 or 42A.404, or if the court waives the

15 educational program requirement under Article 42A.403 or the

16 defendant successfully completes equivalent education under

17 Article 42A.4045, the court clerk shall immediately report that

18 fact to the Department of Public Safety, on a form prescribed by the

19 department, for inclusion in the defendant's driving record. If

20 the court grants an extension of time in which the defendant may

21 complete the educational program under Article 42A.403, the court

22 clerk shall immediately report that fact to the Department of

23 Public Safety on a form prescribed by the department. The clerk's

24 report under this subsection must include the beginning date of the

25 defendant's community supervision.

26 SECTION 9. Articles 42A.407(b) and (c), Code of Criminal

27 Procedure, are amended to read as follows:

1 (b) Notwithstanding Sections 521.344(d)-(i),
2 Transportation Code, if under Article 42A.404 the judge requires a
3 defendant punished under Section 49.09, Penal Code, to successfully
4 complete [~~attend~~] an educational program as a condition of
5 community supervision, or waives the required completion of
6 [~~attendance for~~] the program, and the defendant has previously been
7 required to successfully complete [~~attend~~] such an educational
8 program, or the required completion of [~~attendance at~~] the program
9 had been waived, the judge shall order the suspension of the
10 defendant's driver's license for a period determined by the judge
11 according to the following schedule:

12 (1) not less than 90 days or more than one year, if the
13 defendant is convicted under Sections 49.04-49.08, Penal Code;

14 (2) not less than 180 days or more than two years, if
15 the defendant is punished under Section 49.09(a) or (b), Penal
16 Code; or

17 (3) not less than one year or more than two years, if
18 the defendant is convicted of a second or subsequent offense under
19 Sections 49.04-49.08, Penal Code, committed within five years of
20 the date on which the most recent preceding offense was committed.

21 (c) If the Department of Public Safety receives notice that
22 a defendant has been required to successfully complete [~~attend~~] a
23 subsequent educational program under Article 42A.403 or 42A.404,
24 although the previously required completion [~~attendance~~] had been
25 waived, but the judge has not ordered a period of suspension, the
26 department shall:

27 (1) suspend the defendant's driver's license; or

1 (2) issue an order prohibiting the defendant from
2 obtaining a license for a period of one year.

3 SECTION 10. Article 42A.514(a), Code of Criminal Procedure,
4 is amended to read as follows:

5 (a) If a judge grants community supervision to a defendant
6 younger than 18 years of age convicted of an alcohol-related
7 offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or
8 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or
9 an offense involving possession of a controlled substance or
10 marihuana under Section 481.115, 481.1151, 481.116, 481.1161,
11 481.117, 481.118, or 481.121, Health and Safety Code, the judge may
12 require the defendant as a condition of community supervision to
13 successfully complete [attend], as appropriate:

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

18 (2) a drug education program that is designed to
19 educate persons on the dangers of drug abuse [~~and is approved by the~~
20 ~~Department of State Health Services~~] in accordance with Section
21 521.374(a)(1) [521.374], Transportation Code, and that is
22 regulated by the Texas Department of Licensing and Regulation under
23 Chapter 171, Government Code.

24 SECTION 11. Articles 45.051(b) and (g), Code of Criminal
25 Procedure, are amended to read as follows:

26 (b) During the deferral period, the judge may require the
27 defendant to:

1 (1) post a bond in the amount of the fine assessed as
2 punishment for the offense to secure payment of the fine;

3 (2) pay restitution to the victim of the offense in an
4 amount not to exceed the fine assessed as punishment for the
5 offense;

6 (3) submit to professional counseling;

7 (4) submit to diagnostic testing for alcohol or a
8 controlled substance or drug;

9 (5) submit to a psychosocial assessment;

10 (6) successfully complete [~~participate in~~] an alcohol
11 or drug abuse treatment or education program, such as:

12 (A) a drug education program that is designed to
13 educate persons on the dangers of drug abuse [~~and is approved by the~~
14 ~~Department of State Health Services~~] in accordance with Section
15 521.374(a)(1) [~~521.374~~], Transportation Code, and that is
16 regulated by the Texas Department of Licensing and Regulation under
17 Chapter 171, Government Code; or

18 (B) an alcohol awareness program described by
19 Section 106.115, Alcoholic Beverage Code, that is regulated by the
20 Texas Department of Licensing and Regulation under Chapter 171,
21 Government Code;

22 (7) pay as reimbursement fees the costs of any
23 diagnostic testing, psychosocial assessment, or participation in a
24 treatment or education program either directly or through the court
25 as court costs;

26 (8) complete a driving safety course approved under
27 Chapter 1001, Education Code, or another course as directed by the

1 judge;

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

5 (10) comply with any other reasonable condition.

6 (g) If a judge requires a defendant under Subsection (b) to
7 successfully complete [~~attend~~] an alcohol awareness program or drug
8 education program as described by Subdivision (6) of that
9 subsection, unless the judge determines that the defendant is
10 indigent and unable to pay the cost, the judge shall require the
11 defendant to pay a reimbursement fee for the cost of attending the
12 program. The judge may allow the defendant to pay the fee in
13 installments during the deferral period.

14 SECTION 12. Sections 53.03(h-1) and (h-2), Family Code, are
15 amended to read as follows:

16 (h-1) If the child is alleged to have engaged in delinquent
17 conduct or conduct indicating a need for supervision that violates
18 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
19 481.121, Health and Safety Code, deferred prosecution under this
20 section may include a condition that the child successfully
21 complete [~~attend~~] a drug education program that is designed to
22 educate persons on the dangers of drug abuse [~~and is approved by the~~
23 ~~Department of State Health Services]~~ in accordance with Section
24 521.374(a)(1) [521.374], Transportation Code, and that is
25 regulated by the Texas Department of Licensing and Regulation under
26 Chapter 171, Government Code.

27 (h-2) If the child is alleged to have engaged in delinquent

1 conduct or conduct indicating a need for supervision that violates
2 Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07,
3 Alcoholic Beverage Code, or Section 49.02, Penal Code, deferred
4 prosecution under this section may include a condition that the
5 child successfully complete ~~[attend]~~ an alcohol awareness program
6 described by Section 106.115, Alcoholic Beverage Code, that is
7 regulated by the Texas Department of Licensing and Regulation under
8 Chapter 171, Government Code.

9 SECTION 13. Sections 54.047(a), (b), and (f), Family Code,
10 are amended to read as follows:

11 (a) If the court or jury finds at an adjudication hearing
12 for a child that the child engaged in delinquent conduct or conduct
13 indicating a need for supervision that constitutes a violation of
14 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
15 481.121, Health and Safety Code, the court may order that the child
16 successfully complete ~~[attend]~~ a drug education program that is
17 designed to educate persons on the dangers of drug abuse ~~[and is~~
18 ~~approved by the Department of State Health Services]~~ in accordance
19 with Section 521.374(a)(1) ~~[521.374]~~, Transportation Code, and
20 that is regulated by the Texas Department of Licensing and
21 Regulation under Chapter 171, Government Code.

22 (b) If the court or jury finds at an adjudication hearing
23 for a child that the child engaged in delinquent conduct or conduct
24 indicating a need for supervision that violates the alcohol-related
25 offenses in Section 106.02, 106.025, 106.04, 106.041, 106.05, or
26 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, the
27 court may order that the child successfully complete ~~[attend]~~ an

1 alcohol awareness program described by Section [106.115](#), Alcoholic
2 Beverage Code, that is regulated by the Texas Department of
3 Licensing and Regulation under Chapter 171, Government Code.

4 (f) If the court orders a child under Subsection (a) or (b)
5 to successfully complete [~~attend~~] a drug education program or
6 alcohol awareness program, unless the court determines that the
7 parent or guardian of the child is indigent and unable to pay the
8 cost, the court shall require the child's parent or a guardian of
9 the child to pay the cost of attending the program. The court shall
10 allow the child's parent or guardian to pay the cost of [~~attending~~]
11 the program in installments.

12 SECTION 14. Section [461A.052](#)(a), Health and Safety Code, is
13 amended to read as follows:

14 (a) The department shall:

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

19 (2) plan, develop, coordinate, evaluate, and
20 implement constructive methods and programs for the prevention,
21 intervention, treatment, and rehabilitation of chemical dependency
22 in cooperation with federal and state agencies, local governments,
23 organizations, and persons, and provide technical assistance,
24 funds, and consultation services for statewide and community-based
25 services;

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

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

1 (B) hospitals and clinics;

2 (C) public health, welfare, and criminal justice
3 system authorities;

4 (D) educational and medical agencies and
5 organizations; and

6 (E) other related public and private groups and
7 persons;

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

11 (5) sponsor, promote, and conduct educational
12 programs on the prevention and treatment of chemical dependency,
13 and maintain a public information clearinghouse to purchase and
14 provide books, literature, audiovisuals, and other educational
15 material for the programs;

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

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

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

27 (9) consistently monitor the expenditure of funds and

1 the provision of services by all grant and contract recipients to
2 assure that the services are effective and properly staffed and
3 meet the standards adopted under this chapter;

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

6 (11) license treatment facilities under Chapter 464;

7 (12) use funds appropriated to the department for
8 purposes of providing chemical dependency services and related
9 programs to carry out those purposes and maximize the overall state
10 allotment of federal funds;

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

15 (14) submit to the federal government reports and
16 strategies necessary to comply with Section 1926 of the federal
17 Alcohol, Drug Abuse, and Mental Health Administration
18 Reorganization Act, Pub. L. No. 102-321 (42 U.S.C. Section
19 300x-26), and coordinate the reports and strategies with
20 appropriate state governmental entities~~[, and~~

21 ~~[(15) regulate, coordinate, and provide training for~~
22 ~~alcohol awareness courses required under Section 106.115,~~
23 ~~Alcoholic Beverage Code, and may charge a fee for an activity~~
24 ~~performed by the department under this subdivision].~~

25 SECTION 15. Section 521.374(a), Transportation Code, as
26 amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B.
27 642), Acts of the 84th Legislature, Regular Session, 2015, is

1 reenacted and amended to read as follows:

2 (a) A person whose license is suspended under Section
3 521.372 may:

4 (1) successfully complete [~~attend~~] an in-person or
5 online educational program, approved by the Texas Department of
6 Licensing and Regulation [~~Department of State Health Services~~]
7 under Chapter 171, Government Code [~~rules adopted by the Texas~~
8 ~~Commission of Licensing and Regulation executive commissioner of~~
9 ~~the Health and Human Services Commission and the department~~], that
10 is designed to educate persons on the dangers of drug abuse; or

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

16 (A) a substance abuse treatment facility or
17 substance abuse felony punishment facility operated by the Texas
18 Department of Criminal Justice under Section [493.009](#), Government
19 Code;

20 (B) a community corrections facility, as defined
21 by Section [509.001](#), Government Code; or

22 (C) a chemical dependency treatment facility
23 licensed under Chapter [464](#), Health and Safety Code.

24 SECTION 16. Section [521.374\(b\)](#), Transportation Code, is
25 amended to read as follows:

26 (b) The period of suspension or prohibition under Section
27 [521.372\(c\)](#) continues for an indefinite period until the individual

1 successfully completes the in-person or online educational program
2 under Subsection (a)(1) or is released from the residential
3 treatment facility at which the individual successfully completed
4 equivalent education under Subsection (a)(2), as applicable.

5 SECTION 17. Section [521.375](#), Transportation Code, as
6 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
7 84th Legislature, Regular Session, 2015, is reenacted and amended
8 to read as follows:

9 Sec. 521.375. JOINT ADOPTION OF RULES. (a) The Texas
10 Commission of Licensing and Regulation and the department shall
11 jointly adopt rules for the qualification and approval of providers
12 of in-person and online educational programs under Section
13 [521.374\(a\)\(1\)](#) [~~521.374~~].

14 (a-1) The executive commissioner of the Health and Human
15 Services Commission and the department shall jointly adopt rules
16 for the qualification and 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 Texas Department of Licensing and Regulation shall
22 publish the jointly adopted rules under Subsection (a).

23 (c) The Department of State Health Services shall publish
24 the jointly adopted rules under Subsection (a-1).

25 SECTION 18. Section [521.376](#), Transportation Code, as
26 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
27 84th Legislature, Regular Session, 2015, is reenacted and amended

1 to read as follows:

2 Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND
3 REGULATION AND DEPARTMENT OF STATE HEALTH SERVICES; APPLICATION AND
4 RENEWAL FEES. (a) The Texas Department of Licensing and
5 Regulation:

6 (1) shall monitor, coordinate, and provide training to
7 persons who provide in-person and online educational programs under
8 Section 521.374(a)(1) [~~521.374~~];

9 (2) shall administer the approval of those in-person
10 and online educational programs; and

11 (3) may charge a nonrefundable application fee to the
12 provider of an in-person or online educational program under
13 Section 521.374(a)(1) for:

14 (A) initial certification of approval; and

15 (B) renewal of the certification.

16 (b) The Department of State Health Services:

17 (1) shall monitor, coordinate, and provide training
18 to[+]

19 [~~(A) persons who provide educational programs~~
20 ~~under Section 521.374(a)(1)~~]; and

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

23 (2) shall administer the approval of the [~~educational~~
24 ~~programs and the~~] equivalent education provided in a residential
25 treatment facility[~~, and~~

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

1 ~~[(A) initial certification of approval, and~~
2 ~~[(B) renewal of the certification].~~

3 SECTION 19. The following provisions are repealed:

- 4 (1) Section 106.115(b), Alcoholic Beverage Code;
5 (2) Article 42A.405, Code of Criminal Procedure; and
6 (3) Section 54.047(e), Family Code.

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

11 (b) On the effective date of this Act, a program provider
12 license or an instructor license issued before the effective date
13 of this Act shall continue to be valid until the license expires.

14 (c) An application for an initial program provider or
15 instructor license or for renewal of a program provider or
16 instructor license submitted to the Texas Department of Licensing
17 and Regulation on or after the effective date of this Act is
18 governed by Chapter 171, Government Code, as added by this Act. An
19 application submitted before that date is governed by the laws and
20 rules in effect when the application was submitted, and the former
21 laws and rules are continued in effect for that purpose.

22 (d) A person who holds an instructor license prior to the
23 effective date of this Act is eligible to renew that license on or
24 after the effective date of this Act, if:

- 25 (1) the license is current or is within the late
26 renewal period; and
27 (2) the person's instructor eligibility requirements

1 remain in effect at the time of renewal.

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

7 SECTION 21. (a) As soon as practicable after the effective
8 date of this Act, the Texas Commission of Licensing and Regulation,
9 the Texas Department of Licensing and Regulation, and the executive
10 director of the Texas Department of Licensing and Regulation, as
11 appropriate, shall adopt rules and forms necessary to implement
12 Chapter 171, Government Code, as added by this Act.

13 (b) All rules, fees, policies, procedures, decisions, and
14 forms that relate to a program or activity regulated under this Act
15 and that are in effect on the effective date of this Act remain in
16 effect until changed by the Texas Commission of Licensing and
17 Regulation, the Texas Department of Licensing and Regulation, or
18 the executive director of the Texas Department of Licensing and
19 Regulation, as appropriate.

20 SECTION 22. This Act takes effect September 1, 2021.