

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; and

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

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

13 (1) the alcohol educational program for minors;

14 (2) the drug offense educational program;

15 (3) the educational program for intoxication
16 offenses; or

17 (4) the intervention program for intoxication
18 offenses.

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

21 Sec. 171.0104. ISSUANCE OF PROGRAM PROVIDER LICENSE. The
22 department shall issue a program provider license to an applicant
23 who:

24 (1) meets the eligibility requirements and criteria
25 established by commission rule;

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

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

3 SUBCHAPTER D. INSTRUCTOR LICENSE REQUIREMENTS AND ISSUANCE

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

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

12 (1) meets the eligibility requirements and criteria
13 established by commission rule;

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

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

19 (4) pays the license application fee.

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

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

25 (1) the alcohol educational program for minors;

26 (2) the drug offense educational program;

27 (3) the educational program for intoxication

1 offenses; or

2 (4) the intervention program for intoxication
3 offenses.

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

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

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

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

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

23 SUBCHAPTER E. RESTRICTIONS ON LICENSE

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

26 Sec. 171.0202. PROGRAM PROVIDER CHANGE OF OWNERSHIP. Not
27 less than 30 days before the date of a change in ownership of a

1 program provider, the proposed new owner must apply for a new
2 program provider license with an endorsement for each type of
3 court-ordered program to be offered by the new owner.

4 SUBCHAPTER F. LICENSE TERM AND RENEWAL

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

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

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

18 SUBCHAPTER G. REQUIREMENTS FOR COURT-ORDERED PROGRAMS

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

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

24 (1) provided by a program provider licensed for the
25 type of program;

26 (2) taught by an instructor with the appropriate
27 endorsement for the program using curriculum approved by the

1 department; and

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

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

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

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

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

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

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

25 (e) A program provider shall submit to the department
26 information regarding programs, instructors, and participants.
27 The commission may require different information to be reported for

1 each type of court-ordered program.

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

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

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

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

17 Sec. 171.0305. INFORMATION REQUIRED. A program provider
18 shall maintain and make available to participants information
19 regarding course fees, schedules, methods of course delivery, and
20 locations, as applicable, for all court-ordered programs provided
21 by the program provider.

22 SUBCHAPTER H. PROHIBITED PRACTICES AND ENFORCEMENT

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

24 A license holder may not:

25 (1) use advertising that is false, misleading, or
26 deceptive; or

27 (2) issue, sell, trade, or transfer a certificate of

1 program completion or a certificate number to a person who has not
2 successfully completed the applicable court-ordered program or who
3 is not otherwise authorized to possess the certificate or number.

4 Sec. 171.0352. GROUNDS FOR DISCIPLINARY ACTIONS. The
5 commission or executive director may deny an application for an
6 initial or renewal license, revoke or suspend a license, place on
7 probation a person whose license has been suspended, or reprimand a
8 license holder who:

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

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

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

17 (4) violates the code of ethics adopted and published
18 by the commission; or

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

21 Sec. 171.0353. DISCIPLINARY ACTION; ADMINISTRATIVE
22 PENALTY. If a person violates this chapter or an order issued or a
23 rule adopted under this chapter, the person is subject to any action
24 or penalty under Subchapter F or G, Chapter 51, Occupations Code.

25 Sec. 171.0354. AUDITS OF PROVIDERS AND PROGRAMS. (a) The
26 department may conduct audits of the program providers and the
27 court-ordered programs to verify compliance with this chapter.

1 These audits may be conducted onsite, remotely, or through other
2 means, and may include audits of records and courses.

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

5 (1) cooperate with the department during an audit
6 under this section;

7 (2) provide or make available to the department any
8 documents or records related to the audit, unless otherwise
9 prohibited by law; and

10 (3) provide the department with access to courses and
11 facilities related to the audit.

12 Sec. 171.0355. INVESTIGATIONS. (a) A program provider,
13 instructor, or any person associated with a court-ordered program
14 shall:

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

17 (2) provide or make available to the department on
18 request any documents or records related to the investigation,
19 including all instructor records, unless otherwise prohibited by
20 law.

21 (b) The department may contract with the Department of
22 Public Safety to provide investigative assistance in the
23 enforcement of this chapter.

24 Sec. 171.0356. UNLAWFUL TRANSFER OF CERTIFICATE OF PROGRAM
25 COMPLETION OR CERTIFICATE NUMBER; OFFENSE. (a) A person commits an
26 offense if the person knowingly sells, trades, issues, or otherwise
27 transfers, or possesses with intent to sell, trade, issue, or

1 otherwise transfer, a certificate of program completion or a
2 certificate number to a person not authorized to possess the
3 certificate or number.

4 (b) An offense under this section is a Class A misdemeanor.

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

10 (b) An offense under this section is a Class A misdemeanor.

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

13 Sec. 106.115. [~~ATTENDANCE AT~~] ALCOHOL AWARENESS PROGRAM
14 [~~COURSE~~]; LICENSE SUSPENSION.

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

18 (a) On the placement of a minor on deferred disposition for
19 an offense under Section 49.02, Penal Code, or under Section
20 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court
21 shall require the defendant to successfully complete one of the
22 following programs:

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

26 (2) [7] a drug education program under [approved by
27 the Department of State Health Services in accordance with] Section

1 521.374(a)(1) [~~521.374~~], Transportation Code, that is regulated
2 under Chapter 171, Government Code; or

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

6 (a-1) On conviction of a minor of an offense under Section
7 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041,
8 106.05, or 106.07 [~~one or more of those sections~~], the court, in
9 addition to assessing a fine as provided by those sections, shall
10 require a defendant who has not been previously convicted of an
11 offense under one of those sections to successfully complete
12 [~~attend~~] an alcohol awareness program, a drug education program, or
13 a drug and alcohol driving awareness program described by
14 Subsection (a) [~~this subsection~~]. If the defendant has been
15 previously convicted once or more of an offense under one or more of
16 those sections, the court may require the defendant to successfully
17 complete [~~attend~~] an alcohol awareness program, a drug education
18 program, or a drug and alcohol driving awareness program described
19 by Subsection (a) [~~this subsection~~].

20 (a-2) If the defendant is younger than 18 years of age, the
21 court may require the parent or guardian of the defendant to attend
22 the program described by Subsection (a) with the defendant. [~~The~~
23 ~~Texas Department of Licensing and Regulation or Texas Commission of~~
24 ~~Licensing and Regulation, as appropriate:~~

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

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

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

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

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

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

7 (b-2) For purposes of Subsection (b-1), if the defendant is
8 enrolled in an institution of higher education located in a county
9 in which access to an alcohol awareness program is readily
10 available, the court may consider the defendant to be a resident of
11 that county. If the defendant is not enrolled in such an
12 institution of higher education or if the court does not consider
13 the defendant to be a resident of the county in which the
14 institution is located, the defendant's residence is the residence
15 listed on the defendant's driver's license or personal
16 identification certificate issued by the Department of Public
17 Safety. If the defendant does not have a driver's license or
18 personal identification certificate issued by the Department of
19 Public Safety, the defendant's residence is the residence on the
20 defendant's voter registration certificate. If the defendant is
21 not registered to vote, the defendant's residence is the residence
22 on file with the public school district on which the defendant's
23 enrollment is based. If the defendant is not enrolled in public
24 school, the defendant's residence is determined ~~[as provided]~~ by
25 the court ~~[commission rule]~~.

26 SECTION 4. The heading to Article [42A.403](#), Code of Criminal
27 Procedure, is amended to read as follows:

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

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

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

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

14 [~~(2) the Department of Public Safety;~~

15 [~~(3) the traffic safety section of the traffic
16 operations division of the Texas Department of Transportation; and~~

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

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

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

22 (2) the defendant's health;

23 (3) the distance that the defendant must travel to
24 attend an in-person educational program; [~~and~~]

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

1 (5) whether the defendant has access to reliable
2 Internet service sufficient to successfully complete an
3 educational program offered online.

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

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

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

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

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

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

20 (2) the defendant's health;

21 (3) the distance that the defendant must travel to
22 attend an in-person educational program; [~~and~~]

23 (4) whether the defendant resides out of state or does
24 not have access to transportation; and

25 (5) whether the defendant has access to reliable
26 Internet service sufficient to successfully complete an
27 educational program offered online.

1 SECTION 8. Article 42A.406(a), Code of Criminal Procedure,
2 is amended to read as follows:

3 (a) If a defendant is required as a condition of community
4 supervision to successfully complete [~~attend~~] an educational
5 program under Article 42A.403 or 42A.404, or if the court waives the
6 educational program requirement under Article 42A.403 or the
7 defendant successfully completes equivalent education under
8 Article 42A.4045, the court clerk shall immediately report that
9 fact to the Department of Public Safety, on a form prescribed by the
10 department, for inclusion in the defendant's driving record. If
11 the court grants an extension of time in which the defendant may
12 complete the educational program under Article 42A.403, the court
13 clerk shall immediately report that fact to the Department of
14 Public Safety on a form prescribed by the department. The clerk's
15 report under this subsection must include the beginning date of the
16 defendant's community supervision.

17 SECTION 9. Articles 42A.407(b) and (c), Code of Criminal
18 Procedure, are amended to read as follows:

19 (b) Notwithstanding Sections 521.344(d)-(i),
20 Transportation Code, if under Article 42A.404 the judge requires a
21 defendant punished under Section 49.09, Penal Code, to successfully
22 complete [~~attend~~] an educational program as a condition of
23 community supervision, or waives the required completion of
24 [~~attendance for~~] the program, and the defendant has previously been
25 required to successfully complete [~~attend~~] such an educational
26 program, or the required completion of [~~attendance at~~] the program
27 had been waived, the judge shall order the suspension of the

1 defendant's driver's license for a period determined by the judge
2 according to the following schedule:

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

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

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

12 (c) If the Department of Public Safety receives notice that
13 a defendant has been required to successfully complete [~~attend~~]
14 subsequent educational program under Article 42A.403 or 42A.404,
15 although the previously required completion [~~attendance~~]
16 waived, but the judge has not ordered a period of suspension, the
17 department shall:

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

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

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

23 (a) If a judge grants community supervision to a defendant
24 younger than 18 years of age convicted of an alcohol-related
25 offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or
26 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or
27 an offense involving possession of a controlled substance or

1 marihuana under Section [481.115](#), [481.1151](#), [481.116](#), [481.1161](#),
2 [481.117](#), [481.118](#), or [481.121](#), Health and Safety Code, the judge may
3 require the defendant as a condition of community supervision to
4 successfully complete [attend], as appropriate:

5 (1) an alcohol awareness program [~~approved~~] under
6 Section [106.115](#), Alcoholic Beverage Code, that is regulated by the
7 Texas Department of Licensing and Regulation under Chapter 171,
8 Government Code; or

9 (2) a drug education program that is designed to
10 educate persons on the dangers of drug abuse [~~and is approved by the~~
11 ~~Department of State Health Services~~] in accordance with Section
12 [521.374](#)(a)(1) [~~521.374~~], Transportation Code, and that is
13 regulated by the Texas Department of Licensing and Regulation under
14 Chapter 171, Government Code.

15 SECTION 11. Articles [45.051](#)(b) and (g), Code of Criminal
16 Procedure, are amended to read as follows:

17 (b) During the deferral period, the judge may require the
18 defendant to:

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

21 (2) pay restitution to the victim of the offense in an
22 amount not to exceed the fine assessed as punishment for the
23 offense;

24 (3) submit to professional counseling;

25 (4) submit to diagnostic testing for alcohol or a
26 controlled substance or drug;

27 (5) submit to a psychosocial assessment;

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

3 (A) a drug education program that is designed to
4 educate persons on the dangers of drug abuse [~~and is approved by the~~
5 ~~Department of State Health Services~~] in accordance with Section
6 521.374(a)(1) [~~521.374~~], Transportation Code, and that is
7 regulated by the Texas Department of Licensing and Regulation under
8 Chapter 171, Government Code; or

9 (B) an alcohol awareness program described by
10 Section 106.115, Alcoholic Beverage Code, that is regulated by the
11 Texas Department of Licensing and Regulation under Chapter 171,
12 Government Code;

13 (7) pay as reimbursement fees the costs of any
14 diagnostic testing, psychosocial assessment, or participation in a
15 treatment or education program either directly or through the court
16 as court costs;

17 (8) complete a driving safety course approved under
18 Chapter 1001, Education Code, or another course as directed by the
19 judge;

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

23 (10) comply with any other reasonable condition.

24 (g) If a judge requires a defendant under Subsection (b) to
25 successfully complete [~~attend~~] an alcohol awareness program or drug
26 education program as described by Subdivision (6) of that
27 subsection, unless the judge determines that the defendant is

1 indigent and unable to pay the cost, the judge shall require the
2 defendant to pay a reimbursement fee for the cost of [~~attending~~] the
3 program. The judge may allow the defendant to pay the fee in
4 installments during the deferral period.

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

7 (h-1) If the child is alleged to have engaged in delinquent
8 conduct or conduct indicating a need for supervision that violates
9 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
10 481.121, Health and Safety Code, deferred prosecution under this
11 section may include a condition that the child successfully
12 complete [~~attend~~] 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.

18 (h-2) If the child is alleged to have engaged in delinquent
19 conduct or conduct indicating a need for supervision that violates
20 Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07,
21 Alcoholic Beverage Code, or Section 49.02, Penal Code, deferred
22 prosecution under this section may include a condition that the
23 child successfully complete [~~attend~~] an alcohol awareness program
24 described by Section 106.115, Alcoholic Beverage Code, that is
25 regulated by the Texas Department of Licensing and Regulation under
26 Chapter 171, Government Code.

27 SECTION 13. Sections 54.047(a), (b), and (f), Family Code,

1 are amended to read as follows:

2 (a) If the court or jury finds at an adjudication hearing
3 for a child that the child engaged in delinquent conduct or conduct
4 indicating a need for supervision that constitutes a violation of
5 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
6 481.121, Health and Safety Code, the court may order that the child
7 successfully complete [~~attend~~] a drug education program that is
8 designed to educate persons on the dangers of drug abuse [~~and is~~
9 ~~approved by the Department of State Health Services~~] in accordance
10 with Section 521.374(a)(1) [~~521.374~~], Transportation Code, and
11 that is regulated by the Texas Department of Licensing and
12 Regulation under Chapter 171, Government Code.

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

22 (f) If the court orders a child under Subsection (a) or (b)
23 to successfully complete [~~attend~~] a drug education program or
24 alcohol awareness program, unless the court determines that the
25 parent or guardian of the child is indigent and unable to pay the
26 cost, the court shall require the child's parent or a guardian of
27 the child to pay the cost of [~~attending~~] the program. The court

1 shall allow the child's parent or guardian to pay the cost of
2 [~~attending~~] the program in installments.

3 SECTION 14. Section 461A.052(a), Health and Safety Code, is
4 amended to read as follows:

5 (a) The department shall:

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

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

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

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

19 (B) hospitals and clinics;

20 (C) public health, welfare, and criminal justice
21 system authorities;

22 (D) educational and medical agencies and
23 organizations; and

24 (E) other related public and private groups and
25 persons;

26 (4) expand chemical dependency services for children
27 when funds are available because of the long-term benefits of those

1 services to this state and its citizens;

2 (5) sponsor, promote, and conduct educational
3 programs on the prevention and treatment of chemical dependency,
4 and maintain a public information clearinghouse to purchase and
5 provide books, literature, audiovisuals, and other educational
6 material for the programs;

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

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

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

18 (9) consistently monitor the expenditure of funds and
19 the provision of services by all grant and contract recipients to
20 assure that the services are effective and properly staffed and
21 meet the standards adopted under this chapter;

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

24 (11) license treatment facilities under Chapter 464;

25 (12) use funds appropriated to the department for
26 purposes of providing chemical dependency services and related
27 programs to carry out those purposes and maximize the overall state

1 allotment of federal funds;

2 (13) plan, develop, coordinate, evaluate, and
3 implement constructive methods and programs to provide healthy
4 alternatives for youth at risk of selling controlled substances;
5 and

6 (14) submit to the federal government reports and
7 strategies necessary to comply with Section 1926 of the federal
8 Alcohol, Drug Abuse, and Mental Health Administration
9 Reorganization Act, Pub. L. No. 102-321 (42 U.S.C. Section
10 300x-26), and coordinate the reports and strategies with
11 appropriate state governmental entities[~~, and~~

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

16 SECTION 15. Section 521.374(a), Transportation Code, as
17 amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B.
18 642), Acts of the 84th Legislature, Regular Session, 2015, is
19 reenacted and amended to read as follows:

20 (a) A person whose license is suspended under Section
21 521.372 may:

22 (1) successfully complete [~~attend~~] an in-person or
23 online educational program, approved by the Texas Department of
24 Licensing and Regulation [~~Department of State Health Services~~]
25 under Chapter 171, Government Code [~~rules adopted by the Texas~~
26 ~~Commission of Licensing and Regulation executive commissioner of~~
27 ~~the Health and Human Services Commission and the department~~], that

1 is designed to educate persons on the dangers of drug abuse; or

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

7 (A) a substance abuse treatment facility or
8 substance abuse felony punishment facility operated by the Texas
9 Department of Criminal Justice under Section 493.009, Government
10 Code;

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

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

15 SECTION 16. Section 521.374(b), Transportation Code, is
16 amended to read as follows:

17 (b) The period of suspension or prohibition under Section
18 521.372(c) continues for an indefinite period until the individual
19 successfully completes the in-person or online educational program
20 under Subsection (a)(1) or is released from the residential
21 treatment facility at which the individual successfully completed
22 equivalent education under Subsection (a)(2), as applicable.

23 SECTION 17. Section 521.375, 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. 521.375. JOINT ADOPTION OF RULES. (a) The Texas

1 Commission of Licensing and Regulation and the department shall
2 jointly adopt rules for the qualification and approval of providers
3 of in-person and online educational programs under Section
4 521.374(a)(1) [~~521.374~~].

5 (a-1) The executive commissioner of the Health and Human
6 Services Commission and the department shall jointly adopt rules
7 for the qualification and approval of[+]

8 [~~(1) providers of educational programs under Section~~
9 ~~521.374(a)(1); and~~

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

12 (b) The Texas Department of Licensing and Regulation shall
13 publish the jointly adopted rules under Subsection (a).

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

16 SECTION 18. Section 521.376, Transportation Code, as
17 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
18 84th Legislature, Regular Session, 2015, is reenacted and amended
19 to read as follows:

20 Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND
21 REGULATION AND DEPARTMENT OF STATE HEALTH SERVICES; APPLICATION AND
22 RENEWAL FEES. (a) The Texas Department of Licensing and
23 Regulation:

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

27 (2) shall administer the approval of those in-person

1 and online educational programs; and

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

5 (A) initial certification of approval; and

6 (B) renewal of the certification.

7 (b) The Department of State Health Services:

8 (1) shall monitor, coordinate, and provide training
9 to[+]

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

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

14 (2) shall administer the approval of the [~~educational~~
15 ~~programs and the~~] equivalent education provided in a residential
16 treatment facility[~~, and~~

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

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

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

21 SECTION 19. The following provisions are repealed:

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

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

24 (3) Section 54.047(e), Family Code.

25 SECTION 20. (a) For purposes of this section, any reference
26 in law to a license to provide or instruct a court-ordered program
27 includes a certification under the law as it existed immediately

1 before the effective date of this Act.

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

5 (c) An application for an initial program provider or
6 instructor license or for renewal of a program provider or
7 instructor license submitted to the Texas Department of Licensing
8 and Regulation on or after the effective date of this Act is
9 governed by Chapter 171, Government Code, as added by this Act. An
10 application submitted before that date is governed by the laws and
11 rules in effect when the application was submitted, and the former
12 laws and rules are continued in effect for that purpose.

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

16 (1) the license is current or is within the late
17 renewal period; and

18 (2) the person's instructor eligibility requirements
19 remain in effect at the time of renewal.

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

25 SECTION 21. (a) As soon as practicable after the effective
26 date of this Act, the Texas Commission of Licensing and Regulation,
27 the Texas Department of Licensing and Regulation, and the executive

1 director of the Texas Department of Licensing and Regulation, as
2 appropriate, shall adopt rules and forms necessary to implement
3 Chapter 171, Government Code, as added by this Act.

4 (b) All rules, fees, policies, procedures, decisions, and
5 forms that relate to a program or activity regulated under this Act
6 and that are in effect on the effective date of this Act remain in
7 effect until changed by the Texas Commission of Licensing and
8 Regulation, the Texas Department of Licensing and Regulation, or
9 the executive director of the Texas Department of Licensing and
10 Regulation, as appropriate.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1480 passed the Senate on April 27, 2021, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 28, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1480 passed the House, with amendment, on May 11, 2021, by the following vote: Yeas 122, Nays 21, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor