

BILL ANALYSIS

Senate Research Center

S.B. 1070
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DIGEST

Currently, Texas law prohibits anyone from offering or purporting to offer chemical dependency treatment without a license. "Treatment," in turn, is defined broadly to encompass virtually all organized efforts to promote a person's "chemical-free status or the maintenance of a person free of illegal drugs." The licensing standards issued by the Texas Commission on Alcohol and Drug Abuse (commission) embrace a "medical" model of addiction treatment which denies the viability of "faith-based" treatment programs. These programs, which utilize former abusers as counselors instead of credentialed professionals, treat addiction as the result of underlying spiritual troubles that are curable through non-medical means such as prayer, spiritual counseling, and moral teaching. Despite their success at helping addicts and alcoholics find sobriety, some faith-based programs in Texas have been threatened with fines and closures because they fail to adopt the medical model.

This legislation exempts faith-based chemical dependency treatment programs that utilize non-medical methods of treatment and are exclusively religious in nature from state licensure and regulation. This bill recognizes the unique status of faith-based programs, and permits these facilities and their counselors to operate free of state licensing standards. S.B. 1070 attempts to aid chemically dependent persons by supporting programs that serve the valid public purpose of combating drug and alcohol addiction, regardless of their treatment methods.

PURPOSE

As proposed, S.B. 1070 establishes provisions regarding faith-based chemical dependency treatment programs and counselors.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Commission on Alcohol and Drug Abuse in SECTION 1 (Section 464.053, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 464, Health and Safety Code, by adding Subchapter C, as follows:

SUBCHAPTER C. FAITH-BASED CHEMICAL DEPENDENCY TREATMENT PROGRAMS

Sec. 464.051. DEFINITIONS. Defines "chemical dependency," "commission," "religious organization," "treatment," and "treatment facility."

Sec. 464.052. EXEMPTION FOR FAITH-BASED CHEMICAL DEPENDENCY TREATMENT PROGRAM. Provides that Subchapter A does not apply to a chemical dependency treatment program that is conducted by a religious organization; is exclusively religious, spiritual, or ecclesiastical in nature; does not treat minors; and is registered under Section 464.053. Prohibits the Texas Commission on Alcohol and Drug Abuse (commission) from prohibiting the use, by a program exempted under this subchapter, of the term "counseling," "treatment," or "rehabilitation."

Sec. 464.053. EXEMPT PROGRAM REGISTRATION. Requires the commission, by rule,

to establish a simple procedure for a faith-based chemical dependency treatment program to register the program's exemption.

Sec. 464.054. **MEDICAL SERVICES PROHIBITED.** Prohibits a program exempted under this subchapter from providing medical care, medical detoxification, or medical withdrawal services unless the facility is licensed to do so.

Sec. 464.055. **REPRESENTATIONS IN PROGRAM ADVERTISING OR LITERATURE.** Requires a program exempted under this subchapter to include certain information in any advertisement or literature that promotes or describes the program or its services.

Sec. 464.056. **REVOCATION OF EXEMPTION.** Authorizes the commission to revoke the exemption if the organization fails to timely inform the commission of any material change in its registration information; any program advertisement or literature fails to include the required statements; or the organization violates this subchapter or a commission rule adopted under this subchapter.

Sec. 464.057. **GENERAL DIRECTIVE TO STATE AGENCIES.** Prohibits a state agency from denying to an individual a state or federal social service benefit on the basis that the individual is participating in a program.

Sec. 464.058. **RELIGION NOT ENDORSED.** Provides that this subchapter is not intended to aid religion, but to aid chemically dependent persons by supporting programs that serve the purpose of combating chemical dependency.

SECTION 2. Amends Chapter 33, Human Resources Code, by adding Section 33.012, as follows:

Sec. 33.012. **CHEMICAL DEPENDENCY TREATMENT PROGRAM AS REPRESENTATIVE.** Requires the Texas Department of Human Services to provide an individual's food stamp allotment to the program in which the person resides to the extent allowed under Section 8(f), Food Stamp Act of 1977, under certain circumstances.

SECTION 3. Amends Section 464.002, Health and Safety Code, to prohibit a person from offering or purporting to offer chemical dependency treatment without a license, unless the person is exempted under Subchapter C or is working for or providing counseling with a program exempted under Subchapter C.

SECTION 4. Amends Section 3(b), Article 4512o, V.T.C.S., to provide that this Act does not apply to the activities and services of a person who is working for or providing counseling with a program exempted under Chapter 464C, Health and Safety Code, or a school counselor certified by the State Board for Educator Certification, rather than the Central Education Agency. Makes conforming changes.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.