CHAPTER 516

S.B. No. 289

AN ACT
relating to the approval requirement for a rental-purchase agreement that includes a loss damage waiver provision.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 92.153, Business & Commerce Code, is amended to read as follows:

Sec. 92.153. RESTRICTIONS ON MERCHANT CONCERNING WAIVER. A merchant may not:

(1) sell a loss damage waiver unless:

(A) [the department has approved the form of] the contract containing the waiver complies with this chapter; and

(B) the consumer agrees to the waiver in writing; or

(2) impose or require the purchase of a loss damage waiver as a mandatory charge.

SECTION 2. Subdivisions (2) and (4), Section 92.001, and Sections 92.158, 92.159, and 92.160, Business & Commerce Code, are repealed.

SECTION 3. (a) An administrative proceeding pending on the effective date of this Act that is related to a complaint filed under Section 92.160, Business & Commerce Code, as that section existed immediately before the effective date of this Act, is dismissed.

(b) An administrative penalty assessed under Chapter 92, Business & Commerce Code, as that chapter existed immediately before the effective date of this Act, and Chapter 51, Occupations Code, may be collected as provided by Chapter 51, Occupations Code.

(c) The Texas Department of Licensing and Regulation shall return a prorated portion of the fee paid by a merchant to the department under Section 92.159, Business & Commerce Code, as that section existed immediately before the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on May 21, 2013: Yeas 126, Nays 17, two present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 517

S.B. No. 306

AN ACT
relating to consideration of a student receiving treatment in a residential facility for public school accountability purposes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 39.055, Education Code, is amended to read as follows:

Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES. Notwithstanding any other provision of this code except to the extent otherwise provided under Section 39.054(f), for purposes of determining the performance of a school district, [of]
campus, or open-enrollment charter school under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department [Youth Commission, the Texas Juvenile Probation Commission], a juvenile board, or any other governmental entity or any student who is receiving treatment in a residential facility is not considered to be a student of the school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an assessment instrument or other student achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located or an open-enrollment charter school, as applicable.

SECTION 2. This Act applies beginning with the 2013–2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on May 22, 2013: Yeas 148, Nays 0, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 518

S.B. No. 316

AN ACT

relating to continuing education for pharmacists regarding drug abuse and opioid drugs and an interim study regarding opioid abuse.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 559, Occupations Code, is amended by adding Section 559.0525 to read as follows:

Sec. 559.0525. CONTINUING EDUCATION RELATING TO OPIOID DRUGS. (a) The board shall develop a continuing education program regarding opioid drug abuse and the delivery, dispensing, and provision of tamper-resistant opioid drugs after considering input from interested persons.

(b) The board by rule may require a license holder to satisfy a number of the continuing education hours required by Section 559.053 through attendance of a program developed under this section.

SECTION 2. (a) The standing committee of the senate that has primary jurisdiction over health and human services shall conduct an interim study regarding opioid abuse and the provision of tamper-resistant opioids.

(b) The committee may establish appropriate criteria for the study to accomplish the study's purpose. The study must include an examination of:

(1) matters relating to prescription opioid abuse; and

(2) the use and effectiveness of tamper-resistant opioids.

(c) Not later than December 1, 2014, the committee shall submit a report of the committee's findings and recommendations to the lieutenant governor and the speaker of the house of representatives for consideration by the 84th Legislature. The committee shall include in its report the results of the study conducted under this section and the committee's recommendations for specific statutory changes, if any.

(d) This section expires September 1, 2015.