

**CHAPTER 339**

S.B. No. 563

AN ACT

relating to the authority of the Texas Department of Health to employ peace officers.

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

SECTION 1. Subchapter K, Chapter 431, Health and Safety Code, is amended by adding Section 431.2471 to read as follows:

*Sec. 431.2471. TEXAS DEPARTMENT OF HEALTH PEACE OFFICERS. (a) The department may employ a peace officer to administer and enforce this chapter.*

*(b) The department may not employ a peace officer under this section unless:*

*(1) the employee will enforce the food and drug portions of this chapter;*

*(2) the Commission on Law Enforcement Officer Standards and Education certifies the employee as qualified to be a peace officer;*

*(3) the commissioner recommends the employee to the department as being qualified to enforce the food and drug laws within the jurisdiction of the department; and*

*(4) the employee also serves simultaneously as the director of the food and drugs division of the department.*

*(c) A person employed as a peace officer under this section has the powers, privileges, and immunities of a peace officer while carrying out the employee's duties under this chapter.*

SECTION 2. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs and their deputies;

(2) constables and deputy constables;

(3) marshals or police officers of an incorporated city, town, or village;

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the [~~State Purchasing and~~] General Services Commission;

(10) law enforcement officers commissioned by the Parks and Wildlife Commission;

(11) airport police officers commissioned by a city with a population of more than one million, according to the most recent federal census, that operates an airport that serves commercial air carriers;

(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;

(13) municipal park and recreational patrolmen and security officers;

(14) security officers commissioned as peace officers by the State Treasurer;

(15) officers commissioned by a water control and improvement district under Section 51.132, Water Code;

(16) officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes);

(17) investigators commissioned by the Texas State Board of Medical Examiners;

(18) officers commissioned by the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, or the Bexar County Hospital District under Section 281.057, Health and Safety Code;

(19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;

(20) investigators employed by the Texas Racing Commission;

(21) officers commissioned by the State Board of Pharmacy;

(22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 13, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), or by a regional transportation authority under Section 10, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes);

(23) officers commissioned by the Texas High-Speed Rail Authority;

(24) investigators commissioned by the attorney general under Section 402.009, Government Code; ~~and~~

(25) security officers and investigators commissioned as peace officers under the State Lottery Act; *and*

(26) *an officer employed by the Texas Department of Health under Section 431.2471, Health and Safety Code.*

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 14, 1993, by a viva-voce vote; the Senate concurred in House amendments on May 19, 1993, by a viva-voce vote; passed the House, with amendment, on May 14, 1993, by a non-record vote.

Approved May 29, 1993.

Effective Sept. 1, 1993.