

## **PUBLICATION IN *TEXAS REGISTER***

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §221.33, Standardized Field Sobriety Testing Instructor Proficiency, with no changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1584). The rule will not be republished.

The adopted amended rule updates the rule to the current requirements and terminology for obtaining and requalifying for a standardized field sobriety testing instructor proficiency certificate. It also clarifies the requirements for requalifying for the certificate and that an individual is required to have the certificate in order to instruct the SFST Practitioner BPOC Course, the SFST Practitioner Course, the SFST Practitioner Refresher Course, the SFST Instructor Refresher Course, or the SFST Instructor Course.

The public comment period began on March 13, 2026, and ended on April 16, 2026, at the conclusion of the public meeting of the Commission. No public comments were received regarding adoption of the amended rule as proposed.

The amended rule is adopted pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

The adopted amended rule has been reviewed by legal counsel and found to be a valid exercise of the Commission's legal authority.

### *§221.33. Standardized Field Sobriety Testing Instructor Proficiency.*

(a) To qualify for a standardized field sobriety testing (SFST) instructor proficiency certificate, an applicant must meet all proficiency requirements including:

- (1) successful completion of the NHTSA SFST Practitioner course;
- (2) at least three years of experience as an SFST practitioner;
- (3) current instructor license or certificate issued by the commission;
- (4) successful completion of the commission-approved SFST Instructor Course or Drug Recognition Expert (DRE) Instructor Course;
- (5) completion of a commission-approved SFST Instructor Refresher Course or DRE Refresher Course within the last two years;
- (6) demonstrated proficiency in administration of SFST before a certified SFST instructor or NHTSA representative; and
- (7) submit a completed application, in the format currently prescribed by the commission, and any required fee.

(b) An SFST instructor proficiency certificate will be valid for two years from date of issue. After that time period, the applicant must requalify by:

(1) completing a commission-approved SFST Instructor Refresher Course; and

(2) demonstrating proficiency in the administration of a standardized field sobriety test before a certified SFST instructor or NHTSA representative.

(c) This certificate is required to instruct the SFST Practitioner BPOC Course, SFST Practitioner Course, SFST Practitioner Refresher Course, SFST Instructor Refresher Course, or SFST Instructor Course.

(d) The effective date of this section is June 1, 2026.