

BILL ANALYSIS

Senate Research Center
78R9626 MCK-D

C.S.S.B. 1826
By: Van de Putte
Health & Human Services
4/25/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Current law allows the Texas Department of Health to detain a product that cannot be documented as coming through legitimate avenues of commerce. C.S.S.B. 1826 makes the unlicensed “relabeling” of infant formula a violation of the Health and Safety Code. This bill also makes it an offense to make a false statement or false representation in a license application under this Act, or in other instruments such as a report or statement to be filed with certain entities. A first offense under this Act is a Class A misdemeanor and a subsequent offense is a state jail felony.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subdivision (23), Section 431.002, Health and Safety Code, to redefine “manufacture.” Makes nonsubstantive changes.

SECTION 2. Amends Section 431.021, Health and Safety Code, to include making a false statement or false representation in an application for a license or in a statement, report, or other instrument to be filed with the Texas Board of Health, the commissioner of health, or the Texas Department of Health under this chapter in the list of certain prohibited acts and the causing of certain acts within this state that are unlawful and prohibited. Makes a nonsubstantive change.

SECTION 3. Amends Section 431.059(a), Health and Safety Code, to provide that a first offense, rather than an offense, under this subsection is a Class A misdemeanor unless it is shown on the trial of an offense under this subsection that the defendant was previously convicted of an offense under this subsection, in which event the offense is a state jail felony.

SECTION 4. Effective date: September 1, 2003.

SECTION 5. Makes application of this Act prospective.