

By: Keffer of Eastland

H.B. No. 1629

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain chemical precursors under the Texas Controlled Substances Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.077(1), Health and Safety Code, is amended to read as follows:

(1) This section does not apply to the sale or transfer of a nonnarcotic product that:

(1) includes:

(A) ephedrine;

(B) pseudoephedrine;

(C) norpseudoephedrine; or

(D) phenylpropanolamine; and

(2) is sold with a prescription or over the counter in accordance with a federal statute or rule [a chemical precursor subject to Subsection (a) if the sale or transfer complies with federal law and involves a product that may be sold lawfully with a prescription or over the counter without a prescription under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.) or a rule adopted under that Act].

SECTION 2. Section 481.124, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) A person commits an offense if, with intent to

1 unlawfully manufacture a controlled substance, the person
2 possesses or transports:

- 3 (1) anhydrous ammonia;
4 (2) an immediate precursor; or
5 (3) a chemical precursor or an additional chemical
6 substance named as a precursor by the director [~~subject to~~
7 ~~regulation~~] under Section 481.077(b)(1) [~~481.077~~].

8 (f) This section does not apply to a chemical precursor
9 exempted by the director under Section 481.077(b)(2) from the
10 requirements of that section.

11 SECTION 3. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 covered by the law in effect when the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before the effective date of
17 this Act if any element of the offense occurred before that date.

18 SECTION 4. This Act takes effect September 1, 2003.