

By: Nelson S.B. No. 66  
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Committee Substitute by the following vote: Yeas 6, Nays 0;  
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COMMITTEE SUBSTITUTE FOR S.B. No. 66 By: Nelson

A BILL TO BE ENTITLED  
AN ACT

relating to the establishment of certain programs and initiatives  
designed to prevent the manufacture and use of methamphetamine;  
providing a penalty.

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

SECTION 1. Subtitle B, Title 6, Health and Safety Code, is  
amended by adding Chapter 468 to read as follows:

CHAPTER 468. PROGRAMS AND INITIATIVES TO PREVENT

THE MANUFACTURE AND USE OF METHAMPHETAMINE

SUBCHAPTER A. METHAMPHETAMINE WATCH PROGRAM

Sec. 468.001. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of State Health  
Services.

(2) "Program" means the methamphetamine watch program  
established under this subchapter.

Sec. 468.002. METHAMPHETAMINE WATCH PROGRAM. (a) The  
department shall implement a methamphetamine watch program to:

(1) inform retailers of the problems associated with  
the illicit manufacture and use of methamphetamine in this state;  
and

(2) encourage retailers to limit patron access to  
products used in the illicit manufacture of methamphetamine,  
including products containing pseudoephedrine.

(b) The department shall implement the program in  
consultation with the Department of Public Safety of the State of  
Texas and other state agencies as necessary. The department shall  
involve retailers, state and local law enforcement agencies, local  
governments, and community-based organizations in determining the  
manner in which to implement the program.

Sec. 468.003. RETAILER PARTICIPATION. (a) Retailer  
participation in the program is voluntary.

(b) A retailer participating in the program shall make  
reasonable efforts to deter the theft or improper sale of products  
used in the illicit manufacture of methamphetamine, including  
products containing pseudoephedrine, by:

(1) implementing product management practices that  
deter theft or suspicious purchases of the products, including  
limiting the quantity of the products on display for purchase,  
limiting the quantity of the products that may be purchased, and  
placing the products in high-traffic areas;

(2) placing signs adjacent to the products and at  
checkout counters to inform patrons of the retailer's participation  
in the program; and

(3) providing annual personnel training on:  
(A) items commonly purchased for use in the  
illicit manufacture of methamphetamine;

(B) product management practices that deter  
theft or suspicious purchases of products used in the illicit  
manufacture of methamphetamine; and

(C) proper responses to observations of theft or  
suspicious purchases of products used in the illicit manufacture of  
methamphetamine.

Sec. 468.004. GOOD FAITH REPORTING; LIMITATION ON  
LIABILITY. (a) In consultation with the Department of Public  
Safety of the State of Texas and local law enforcement agencies, the

department shall establish guidelines for retailers and retail personnel to follow in making good faith reports of thefts, suspicious purchases, or other transactions involving products used in the illicit manufacture of methamphetamine. The guidelines must be designed to ensure that:

(1) reports are made to law enforcement agencies only under circumstances that are believed to reasonably justify a criminal investigation; and

(2) a person is not encouraged to maintain any record of purchases that are made or other transactions that occur for apparently legitimate purposes.

(b) The department shall involve retailers in determining the manner in which to implement the guidelines established under Subsection (a).

(c) A person is not liable for damages, other than economic damages, from an act relating to the reporting of information made in good faith and in accordance with the guidelines established under this section.

Sec. 468.005. FALSE REPORT; PENALTY. (a) A person commits an offense if the person knowingly makes a report or causes a report to be made to a law enforcement agency of a theft, suspicious purchase, or other transaction involving a product used in the manufacture of methamphetamine and the person knows the report is false.

(b) An offense under this section is a Class C misdemeanor.

[Sections 468.006-468.050 reserved for expansion]

#### SUBCHAPTER B. PREVENTION AND EDUCATION PROGRAMS

Sec. 468.051. PROGRAMS DESIGNED TO HELP STUDENTS. In administering human services programs as required by Section 1001.073, the Department of State Health Services shall:

(1) administer, coordinate, and contract for the delivery of programs designed to prevent the use of methamphetamine among students enrolled in a public or private school in this state; and

(2) provide education to appropriate school personnel and parents of school-age children on identifying and helping children who use methamphetamine or who are exposed to chemicals and other hazardous materials used in the manufacture of methamphetamine.

Sec. 468.052. EDUCATION REGARDING ANHYDROUS AMMONIA. (a) In cooperation with other state agencies, the Office of the Texas State Chemist of the Texas Agricultural Experiment Station shall distribute materials used to educate distributors, farmers, retail dealers, cooperatives, and other appropriate persons regarding:

(1) the use of anhydrous ammonia in the illicit manufacture of methamphetamine; and

(2) practices and equipment that can be used to deter the theft of anhydrous ammonia.

(b) In the materials distributed under this section, the Office of the Texas State Chemist shall encourage local law enforcement and community groups to cooperate in deterring the theft of anhydrous ammonia.

[Sections 468.053-468.100 reserved for expansion]

#### SUBCHAPTER C. DRUG-ENDANGERED

##### CHILD INITIATIVE

Sec. 468.101. DEFINITIONS. In this subchapter:

(1) "Child" means a person under 18 years of age.

(2) "Department" means the Department of Family and Protective Services.

Sec. 468.102. DRUG-ENDANGERED CHILD INITIATIVE. The department shall establish a drug-endangered child initiative aimed at protecting children who are exposed to methamphetamine or to chemicals and other hazardous materials used in the illicit manufacture of methamphetamine.

Sec. 468.103. DUTY TO REPORT; DEPARTMENT RECORDS. (a) To the extent that reporting does not interfere with an ongoing criminal investigation, the Department of Public Safety of the State of Texas and each local law enforcement agency shall report to

the department on discovering the presence of a child in a location where methamphetamine is manufactured.

(b) The department shall maintain a record of reports received under this section and shall include in the record information regarding actions taken by the department to ensure the child's safety and well-being.

SECTION 2. (a) The Department of State Health Services shall take all action necessary to provide for the implementation of the programs required by Subchapter A, Chapter 468, Health and Safety Code, as added by this Act, and Section 468.051, Health and Safety Code, as added by this Act, not later than September 1, 2006.

(b) The Office of the Texas State Chemist of the Texas Agricultural Experiment Station shall take all action necessary to provide for the distribution of materials required by Section 468.052, Health and Safety Code, as added by this Act, not later than September 1, 2006.

(c) The Department of Family and Protective Services shall take all action necessary to provide for the implementation of the initiative required by Subchapter C, Chapter 468, Health and Safety Code, as added by this Act, not later than September 1, 2006.

(d) Section 468.004, Health and Safety Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. An action that accrued before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(e) Section 468.004, Health and Safety Code, as added by this Act, is an exercise of authority under Subsection (c), Section 66, Article III, Texas Constitution, and takes effect only if this Act receives a vote of three-fifths of all the members elected to each house, as provided by Subsection (e), Section 66 of that article.

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, 2005.

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