

By: Keffer

H.B. No. 3499

A BILL TO BE ENTITLED

AN ACT

relating to the definition of a dangerous drug in the Texas Dangerous Drug Act.

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

SECTION 1. Section 483.001(2), Health and Safety Code, is amended to read as follows:

(2) "Dangerous drug" means a ~~[device or a]~~ drug that is unsafe for self-medication and that is not included in ~~[Schedules I through V or]~~ Penalty Groups 1 through 4 of Chapter 481 (Texas Controlled Substances Act). The term includes a ~~[device or a]~~ drug that bears or is required to bear the legend:

(A) "Caution: federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law; or

(B) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

1           SECTION 3. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2007.