

By: Harris

S.B. No. 307

A BILL TO BE ENTITLED

AN ACT

relating to use of electronically readable information on a driver's license or personal identification certificate in connection with the over-the-counter sale of ephedrine, pseudoephedrine, or norpseudoephedrine; providing a criminal penalty.

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

SECTION 1. Subchapter B, Chapter 486, Health and Safety Code, is amended by adding Section 486.0141 to read as follows:

Sec. 486.0141. USE OF CERTAIN ELECTRONICALLY READABLE INFORMATION. (a) A person may access electronically readable information on a driver's license, commercial driver's license, or personal identification certificate for the purpose of complying with Section 486.014.

(b) Information accessed under this section may not be sold or otherwise disseminated to a third party for any purpose, including any marketing, advertising, or promotional activities. The information may be obtained by court order or on request by the department or the Department of Public Safety.

(c) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

SECTION 2. Section 521.126(d), Transportation Code, as amended by Chapters 391 and 1189, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

1           (d) The prohibition provided by Subsection (b) does not  
2 apply to a person who accesses, uses, compiles, or maintains a  
3 database of the information for a law enforcement or governmental  
4 purpose, including:

5               (1) an officer or employee of the department carrying  
6 out law enforcement or government purposes;

7               (2) a peace officer, as defined by Article 2.12, Code  
8 of Criminal Procedure, acting in the officer's official capacity;

9               (3) a license deputy, as defined by Section 12.702,  
10 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or  
11 other similar item through use of a point-of-sale system under  
12 Section 12.703, Parks and Wildlife Code;

13              (4) a person acting as authorized by Section 109.61,  
14 Alcoholic Beverage Code; ~~[or]~~

15              (5) a person establishing the identity of a voter  
16 under Chapter 63, Election Code; or

17              (6) ~~[(5)]~~ a person acting as authorized by Section  
18 161.0825 or 486.0141, Health and Safety Code.

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