

By: Harris S.B. No. 307
(In the Senate - Filed January 24, 2007; February 14, 2007,
read first time and referred to Committee on Criminal Justice;
April 2, 2007, reported favorably by the following vote: Yeas 4,
Nays 0; April 2, 2007, sent to printer.)

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

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

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

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

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

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

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

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

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, 2007.

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