

BILL ANALYSIS

C.S.H.B. 4517
By: Homer
Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a business establishment involved in the over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine to make a record of the sale and maintain that record for a specified period of time. However, the use of these sales records as evidence in narcotics cases requires an immoderate amount of time sifting through countless individual records to bring together an accurate picture of illegal activity.

C.S.H.B. 4517 requires an interagency council to conduct a study on the implementation of a statewide electronic records system for the transmission of records from business establishments to the Department of Public Safety relating to over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4517 adds a temporary provision set to expire September 1, 2011, requiring the public safety director of the Department of Public Safety (DPS) or the director's designee, the executive director of the Texas State Board of Pharmacy or the executive director's designee, and the commissioner of state health services or the commissioner's designee to meet as an interagency council to conduct a study on the implementation of a statewide electronic records system for the transmission of records from business establishments to DPS relating to over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine. The bill requires the study to examine the feasibility of implementing a statewide electronic records system, including the potential cost to Texas and to business establishments that make over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine; any existing state infrastructure or resources that could be used for the records system; the ability of DPS and business establishments that make over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine to participate in the records system; the use for law enforcement purposes of information collected through the records system; appropriate standards and data formats to be used in the records system to ensure the security and uniformity of information transmitted by the system; and solutions to deter the illicit manufacturing and use of methamphetamine.

C.S.H.B. 4517 requires the interagency council, in conducting the study, to solicit input from the following entities: a cross-section of business establishments, including pharmacies, that make over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine; law enforcement agencies; the United States Drug Enforcement Administration; and any other entity that the interagency council considers necessary or appropriate. The bill requires the interagency council to submit a report of the results of the study to the legislature not later than December 1, 2010. The bill requires the report to include the council's recommendations on the use of any existing state infrastructure or resources to support the implementation of a statewide electronic records

system; the estimated cost to Texas of implementing the records system; a description of how information in the record system is projected to be used for law enforcement purposes; and the council's recommendations for future legislation regarding the use of a statewide electronic records system for the purposes described by the bill.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4517 differs from the original by requiring an interagency council to conduct a study on the implementation of a statewide electronic records system for the transmission of records from business establishments to the Department of Public Safety (DPS) relating to over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine, whereas the original amends provisions of the Health and Safety Code to require DPS to create such an electronic records system.