

BILL ANALYSIS

S.B. 269
By: Harris
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the Texas Parks and Wildlife Department is authorized to use a Texas driver's license or identification card to compile an electronic list of information regarding persons obtaining hunting or fishing licenses. Also, a person who is permitted to sell alcohol or tobacco products is authorized to use a Texas driver's license or identification card to compile an electronic list of information regarding persons buying alcohol and tobacco products. A similar system is needed to allow for easier monitoring by the state regarding who is purchasing mass quantities of ephedrine, pseudoephedrine, and norpseudoephedrine for possible use in producing methamphetamines.

S.B. 269 authorizes a person to access electronically readable information on a driver's license, commercial driver's license, or personal identification certificate for the purposes of complying with the prerequisites to an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or 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

S.B. 269 amends the Health and Safety Code to authorize a person to access electronically readable information on a driver's license, commercial driver's license, or personal identification certificate for the purposes of complying with the prerequisites to an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine. The bill prohibits such information from being sold or otherwise disseminated to a third party for any purpose, including any marketing, advertising, or promotional activities. The bill authorizes the information to be obtained by a court order or on request by the Department of State Health Services or the Department of Public Safety. The bill makes it a Class A misdemeanor offense to violate the bill's provisions.

S.B. 269 amends the Transportation Code to add a person authorized to access electronically readable information on a driver's license, commercial driver's license, or personal identification certificate for the purposes of complying with the prerequisites to an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine to the list of persons to whom the prohibition against accessing, using, or maintaining electronically readable driver's license information does not apply.

EFFECTIVE DATE

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