

BILL ANALYSIS

Senate Research Center
81R1761 JD-D

S.B. 269
By: Harris
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

As proposed, S.B. 269 authorizes a person who is permitted to sell ephedrine, pseudoephedrine, or norpseudoephedrine products over-the-counter to use a Texas driver's license or identification card to compile an electronic list of information regarding persons purchasing such products.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 486, Health and Safety Code, by adding Section 486.0141, as follows:

Sec. 486.0141. USE OF CERTAIN ELECTRONICALLY READABLE INFORMATION. (a) Authorizes a person to 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 (Prerequisites to Sale).

(b) Prohibits information accessed under this section from being sold or otherwise disseminated to a third party for any purpose, including any marketing, advertising, or promotional activities. 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.

(c) Provides that a person who violates this section commits a Class A misdemeanor.

SECTION 2. Amends Section 521.126(d), Transportation Code, to include a person acting as authorized by Section 486.0141, Health and Safety Code, in the list of persons to whom the prohibition provided by Subsection (b) does not apply.

SECTION 3. Effective date: upon passage or September 1, 2009.