

By: Homer

H.B. No. 4517

A BILL TO BE ENTITLED

AN ACT

relating to transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine.

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

SECTION 1. Section 486.015, Health and Safety Code, is amended to read as follows:

Sec. 486.015. TRANSMISSION AND MAINTENANCE OF RECORDS.

(a) The Department of Public Safety shall create an electronic records system for transmission of records under this chapter.

(b) The electronic records system must allow a business establishment to electronically submit to the Department of Public Safety a record made under Section 486.014(2) and provide for the Department of Public Safety to have access to that record as soon as practicable based on the available technology. The business establishment shall submit the record through the electronic records system as soon as practicable after the record is created.

(c) Notwithstanding Subsection (b), a business establishment is not required to electronically submit a record if the business establishment does not have access to an Internet connection or computer equipment necessary to submit the information electronically.

(d) The business establishment shall maintain a copy of each record made under Section 486.014(2) until at least the second anniversary of the date the record is made and shall make each

1 record available on request by the department or the Department of
2 Public Safety.

3 (e) The Department of Public Safety shall adopt rules to
4 implement this section.

5 SECTION 2. The Department of Public Safety shall create the
6 electronic records system required by Section 486.015, Health and
7 Safety Code, as amended by this Act, not later than January 1, 2010.

8 SECTION 3. The change in law made by this Act applies only
9 to an over-the-counter sale that occurs on or after February 1,
10 2010. An over-the-counter sale that occurs before February 1,
11 2010, is governed by the law in effect immediately before the
12 effective date of this Act, and the former law is continued in
13 effect for that purpose.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.