

By: Harris

S.B. No. 269

A BILL TO BE ENTITLED

AN ACT

1
2 relating to use of electronically readable information on a
3 driver's license or personal identification certificate in
4 connection with the over-the-counter sale of ephedrine,
5 pseudoephedrine, or norpseudoephedrine; providing a criminal
6 penalty.

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

8 SECTION 1. Subchapter B, Chapter 486, Health and Safety
9 Code, is amended by adding Section 486.0141 to read as follows:

10 Sec. 486.0141. USE OF CERTAIN ELECTRONICALLY READABLE
11 INFORMATION. (a) A person may access electronically readable
12 information on a driver's license, commercial driver's license, or
13 personal identification certificate for the purpose of complying
14 with Section 486.014.

15 (b) Information accessed under this section may not be sold
16 or otherwise disseminated to a third party for any purpose,
17 including any marketing, advertising, or promotional activities.
18 The information may be obtained by court order or on request by the
19 department or the Department of Public Safety.

20 (c) A person who violates this section commits an offense.
21 An offense under this section is a Class A misdemeanor.

22 SECTION 2. Subsection (d), Section 521.126, Transportation
23 Code, is amended to read as follows:

24 (d) The prohibition provided by Subsection (b) does not

1 apply to a person who accesses, uses, compiles, or maintains a
2 database of the information for a law enforcement or governmental
3 purpose, including:

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

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

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

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

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

16 (6) a person acting as authorized by Section 161.0825
17 or 486.0141, Health and Safety Code; or

18 (7) a person screening an individual who will work
19 with or have access to children if the person is an employee or an
20 agent of an employee of a public school district or an organization
21 exempt from federal income tax under Section 501(c)(3), Internal
22 Revenue Code of 1986, as amended, that sponsors a program for youth.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2009.