

AN ACT

relating to the privacy of protected health information; providing administrative, civil, and criminal penalties.

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

SECTION 1. Section 181.001(b), Health and Safety Code, is amended by amending Subdivisions (1) and (3) and adding Subdivisions (2-a) and (2-b) to read as follows:

(1) "Commission" [~~"Commissioner"~~] means the Health and Human Services Commission [~~commissioner of health and human services~~].

(2-a) "Disclose" means to release, transfer, provide access to, or otherwise divulge information outside the entity holding the information.

(2-b) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Health Insurance Portability and Accountability Act and Privacy Standards" means the privacy requirements in existence on September 1, 2011 [~~August 14, 2002~~], of the Administrative Simplification subtitle of the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A and E.

SECTION 2. Subchapter A, Chapter 181, Health and Safety Code, is amended by adding Section 181.004 to read as follows:

1 Sec. 181.004. APPLICABILITY OF STATE AND FEDERAL LAW. (a)

2 A covered entity, as that term is defined by 45 C.F.R. Section
3 160.103, shall comply with the Health Insurance Portability and
4 Accountability Act and Privacy Standards.

5 (b) Subject to Section 181.051, a covered entity, as that
6 term is defined by Section 181.001, shall comply with this chapter.

7 SECTION 3. Section 181.005, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 181.005. DUTIES OF THE EXECUTIVE COMMISSIONER. (a)

10 The executive commissioner shall administer this chapter and may
11 adopt rules consistent with the Health Insurance Portability and
12 Accountability Act and Privacy Standards to administer this
13 chapter.

14 (b) The executive commissioner shall review amendments to
15 the definitions in 45 C.F.R. Parts 160 and 164 that occur after
16 September 1, 2011 [~~August 14, 2002~~], and determine whether it is in
17 the best interest of the state to adopt the amended federal
18 regulations. If the executive commissioner determines that it is
19 in the best interest of the state to adopt the amended federal
20 regulations, the amended regulations shall apply as required by
21 this chapter.

22 (c) In making a determination under this section, the
23 executive commissioner must consider, in addition to other factors
24 affecting the public interest, the beneficial and adverse effects
25 the amendments would have on:

26 (1) the lives of individuals in this state and their
27 expectations of privacy; and

1 (2) governmental entities, institutions of higher
2 education, state-owned teaching hospitals, private businesses, and
3 commerce in this state.

4 (d) The executive commissioner shall prepare a report of the
5 executive commissioner's determination made under this section and
6 shall file the report with the presiding officer of each house of
7 the legislature before the 30th day after the date the
8 determination is made. The report must include an explanation of
9 the reasons for the determination.

10 SECTION 4. Section 181.006, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 181.006. PROTECTED HEALTH INFORMATION NOT PUBLIC.
13 Notwithstanding Sections 181.004 and 181.051, for [~~For~~] a covered
14 entity that is a governmental unit, an individual's protected
15 health information:

16 (1) includes any information that reflects that an
17 individual received health care from the covered entity; and

18 (2) is not public information and is not subject to
19 disclosure under Chapter 552, Government Code.

20 SECTION 5. Subchapter B, Chapter 181, Health and Safety
21 Code, is amended by adding Section 181.059 to read as follows:

22 Sec. 181.059. CRIME VICTIM COMPENSATION. This chapter does
23 not apply to any person or entity in connection with providing,
24 administering, supporting, or coordinating any of the benefits
25 regarding compensation to victims of crime as provided by
26 Subchapter B, Chapter 56, Code of Criminal Procedure.

27 SECTION 6. Chapter 181, Health and Safety Code, is amended

1 by adding Subchapter C to read as follows:

2 SUBCHAPTER C. ACCESS TO AND USE OF PROTECTED HEALTH INFORMATION

3 Sec. 181.101. TRAINING REQUIRED. (a) Each covered entity
4 shall provide a training program to employees of the covered entity
5 regarding the state and federal law concerning protected health
6 information as it relates to:

7 (1) the covered entity's particular course of
8 business; and

9 (2) each employee's scope of employment.

10 (b) An employee of a covered entity must complete training
11 described by Subsection (a) not later than the 60th day after the
12 date the employee is hired by the covered entity.

13 (c) An employee of a covered entity shall receive training
14 described by Subsection (a) at least once every two years.

15 (d) A covered entity shall require an employee of the entity
16 who attends a training program described by Subsection (a) to sign,
17 electronically or in writing, a statement verifying the employee's
18 attendance at the training program. The covered entity shall
19 maintain the signed statement.

20 Sec. 181.102. CONSUMER ACCESS TO ELECTRONIC HEALTH RECORDS.

21 (a) Except as provided by Subsection (b), if a health care
22 provider is using an electronic health records system that is
23 capable of fulfilling the request, the health care provider, not
24 later than the 15th business day after the date the health care
25 provider receives a written request from a person for the person's
26 electronic health record, shall provide the requested record to the
27 person in electronic form unless the person agrees to accept the

1 record in another form.

2 (b) A health care provider is not required to provide access
3 to a person's protected health information that is excepted from
4 access, or to which access may be denied, under 45 C.F.R. Section
5 164.524.

6 (c) For purposes of Subsection (a), the executive
7 commissioner, in consultation with the Department of State Health
8 Services, the Texas Medical Board, and the Texas Department of
9 Insurance, by rule may recommend a standard electronic format for
10 the release of requested health records. The standard electronic
11 format recommended under this section must be consistent, if
12 feasible, with federal law regarding the release of electronic
13 health records.

14 Sec. 181.103. CONSUMER INFORMATION WEBSITE. The attorney
15 general shall maintain an Internet website that provides:

16 (1) information concerning a consumer's privacy rights
17 regarding protected health information under federal and state law;

18 (2) a list of the state agencies, including the
19 Department of State Health Services, the Texas Medical Board, and
20 the Texas Department of Insurance, that regulate covered entities
21 in this state and the types of entities each agency regulates;

22 (3) detailed information regarding each agency's
23 complaint enforcement process; and

24 (4) contact information, including the address of the
25 agency's Internet website, for each agency listed under Subdivision
26 (2) for reporting a violation of this chapter.

27 Sec. 181.104. CONSUMER COMPLAINT REPORT BY ATTORNEY

1 GENERAL. (a) The attorney general annually shall submit to the
2 legislature a report describing:

3 (1) the number and types of complaints received by the
4 attorney general and by the state agencies receiving consumer
5 complaints under Section 181.103; and

6 (2) the enforcement action taken in response to each
7 complaint reported under Subdivision (1).

8 (b) Each state agency that receives consumer complaints
9 under Section 181.103 shall submit to the attorney general, in the
10 form required by the attorney general, the information the attorney
11 general requires to compile the report required by Subsection (a).

12 (c) The attorney general shall de-identify protected health
13 information from the individual to whom the information pertains
14 before including the information in the report required by
15 Subsection (a).

16 SECTION 7. Subchapter D, Chapter 181, Health and Safety
17 Code, is amended by adding Sections 181.153 and 181.154 to read as
18 follows:

19 Sec. 181.153. SALE OF PROTECTED HEALTH INFORMATION
20 PROHIBITED; EXCEPTIONS. (a) A covered entity may not disclose an
21 individual's protected health information to any other person in
22 exchange for direct or indirect remuneration, except that a covered
23 entity may disclose an individual's protected health information:

24 (1) to another covered entity, as that term is defined
25 by Section 181.001, or to a covered entity, as that term is defined
26 by Section 602.001, Insurance Code, for the purpose of:

27 (A) treatment;

1 (B) payment;
2 (C) health care operations; or
3 (D) performing an insurance or health
4 maintenance organization function described by Section 602.053,
5 Insurance Code; or
6 (2) as otherwise authorized or required by state or
7 federal law.

8 (b) The direct or indirect remuneration a covered entity
9 receives for making a disclosure of protected health information
10 authorized by Subsection (a)(1)(D) may not exceed the covered
11 entity's reasonable costs of preparing or transmitting the
12 protected health information.

13 Sec. 181.154. NOTICE AND AUTHORIZATION REQUIRED FOR
14 ELECTRONIC DISCLOSURE OF PROTECTED HEALTH INFORMATION; EXCEPTIONS.

15 (a) A covered entity shall provide notice to an individual for whom
16 the covered entity creates or receives protected health information
17 if the individual's protected health information is subject to
18 electronic disclosure. A covered entity may provide general notice
19 by:

20 (1) posting a written notice in the covered entity's
21 place of business;

22 (2) posting a notice on the covered entity's Internet
23 website; or

24 (3) posting a notice in any other place where
25 individuals whose protected health information is subject to
26 electronic disclosure are likely to see the notice.

27 (b) Except as provided by Subsection (c), a covered entity

1 may not electronically disclose an individual's protected health
2 information to any person without a separate authorization from the
3 individual or the individual's legally authorized representative
4 for each disclosure. An authorization for disclosure under this
5 subsection may be made in written or electronic form or in oral form
6 if it is documented in writing by the covered entity.

7 (c) The authorization for electronic disclosure of
8 protected health information described by Subsection (b) is not
9 required if the disclosure is made:

10 (1) to another covered entity, as that term is defined
11 by Section 181.001, or to a covered entity, as that term is defined
12 by Section 602.001, Insurance Code, for the purpose of:

13 (A) treatment;

14 (B) payment;

15 (C) health care operations; or

16 (D) performing an insurance or health
17 maintenance organization function described by Section 602.053,
18 Insurance Code; or

19 (2) as otherwise authorized or required by state or
20 federal law.

21 (d) The attorney general shall adopt a standard
22 authorization form for use in complying with this section. The form
23 must comply with the Health Insurance Portability and
24 Accountability Act and Privacy Standards and this chapter.

25 (e) This section does not apply to a covered entity, as
26 defined by Section 602.001, Insurance Code, if that entity is not a
27 covered entity as defined by 45 C.F.R. Section 160.103.

1 SECTION 8. Section 181.201, Health and Safety Code, is
2 amended by amending Subsections (b) and (c) and adding Subsections
3 (b-1), (d), (e), and (f) to read as follows:

4 (b) In addition to the injunctive relief provided by
5 Subsection (a), the attorney general may institute an action for
6 civil penalties against a covered entity for a violation of this
7 chapter. A civil penalty assessed under this section may not
8 exceed:

9 (1) \$5,000 [~~\$3,000~~] for each violation that occurs in
10 one year, regardless of how long the violation continues during
11 that year, committed negligently;

12 (2) \$25,000 for each violation that occurs in one
13 year, regardless of how long the violation continues during that
14 year, committed knowingly or intentionally; or

15 (3) \$250,000 for each violation in which the covered
16 entity knowingly or intentionally used protected health
17 information for financial gain.

18 (b-1) The total amount of a penalty assessed against a
19 covered entity under Subsection (b) in relation to a violation or
20 violations of Section 181.154 may not exceed \$250,000 annually if
21 the court finds that the disclosure was made only to another covered
22 entity and only for a purpose described by Section 181.154(c) and
23 the court finds that:

24 (1) the protected health information disclosed was
25 encrypted or transmitted using encryption technology designed to
26 protect against improper disclosure;

27 (2) the recipient of the protected health information

1 did not use or release the protected health information; or
2 (3) at the time of the disclosure of the protected
3 health information, the covered entity had developed, implemented,
4 and maintained security policies, including the education and
5 training of employees responsible for the security of protected
6 health information.

7 (c) If the court in which an action under Subsection (b) is
8 pending finds that the violations have occurred with a frequency as
9 to constitute a pattern or practice, the court may assess a civil
10 penalty not to exceed \$1.5 million annually [~~\$250,000~~].

11 (d) In determining the amount of a penalty imposed under
12 Subsection (b), the court shall consider:

13 (1) the seriousness of the violation, including the
14 nature, circumstances, extent, and gravity of the disclosure;

15 (2) the covered entity's compliance history;

16 (3) whether the violation poses a significant risk of
17 financial, reputational, or other harm to an individual whose
18 protected health information is involved in the violation;

19 (4) whether the covered entity was certified at the
20 time of the violation as described by Section 182.108;

21 (5) the amount necessary to deter a future violation;

22 and

23 (6) the covered entity's efforts to correct the
24 violation.

25 (e) The attorney general may institute an action against a
26 covered entity that is licensed by a licensing agency of this state
27 for a civil penalty under this section only if the licensing agency

1 refers the violation to the attorney general under Section
2 181.202(2).

3 (f) The office of the attorney general may retain a
4 reasonable portion of a civil penalty recovered under this section,
5 not to exceed amounts specified in the General Appropriations Act,
6 for the enforcement of this subchapter.

7 SECTION 9. Section 181.202, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 181.202. DISCIPLINARY ACTION. In addition to the
10 penalties prescribed by this chapter, a violation of this chapter
11 by a covered entity [~~an individual or facility~~] that is licensed by
12 an agency of this state is subject to investigation and
13 disciplinary proceedings, including probation or suspension by the
14 licensing agency. If there is evidence that the violations of this
15 chapter are egregious and constitute a pattern or practice, the
16 agency may:

17 (1) revoke the covered entity's [~~individual's or~~
18 ~~facility's~~] license; or

19 (2) refer the covered entity's case to the attorney
20 general for the institution of an action for civil penalties under
21 Section 181.201(b).

22 SECTION 10. Section 181.205, Health and Safety Code, is
23 amended by amending Subsection (b) and adding Subsection (c) to
24 read as follows:

25 (b) In determining the amount of a penalty imposed under
26 other law in accordance with Section 181.202, a court or state
27 agency shall consider the following factors:

1 (1) the seriousness of the violation, including the
2 nature, circumstances, extent, and gravity of the disclosure;

3 (2) the covered entity's compliance history;

4 (3) whether the violation poses a significant risk of
5 financial, reputational, or other harm to an individual whose
6 protected health information is involved in the violation;

7 (4) whether the covered entity was certified at the
8 time of the violation as described by Section 182.108;

9 (5) the amount necessary to deter a future violation;
10 and

11 (6) the covered entity's efforts to correct the
12 violation.

13 (c) On receipt of evidence under Subsections [~~Subsection~~
14 (a) and (b)], a court or state agency shall consider the evidence and
15 mitigate imposition of an administrative penalty or assessment of a
16 civil penalty accordingly.

17 SECTION 11. Subchapter E, Chapter 181, Health and Safety
18 Code, is amended by adding Sections 181.206 and 181.207 to read as
19 follows:

20 Sec. 181.206. AUDITS OF COVERED ENTITIES. (a) The
21 commission, in coordination with the attorney general, the Texas
22 Health Services Authority, and the Texas Department of Insurance:

23 (1) may request that the United States secretary of
24 health and human services conduct an audit of a covered entity, as
25 that term is defined by 45 C.F.R. Section 160.103, in this state to
26 determine compliance with the Health Insurance Portability and
27 Accountability Act and Privacy Standards; and

1 (2) shall periodically monitor and review the results
2 of audits of covered entities in this state conducted by the United
3 States secretary of health and human services.

4 (b) If the commission has evidence that a covered entity has
5 committed violations of this chapter that are egregious and
6 constitute a pattern or practice, the commission may:

7 (1) require the covered entity to submit to the
8 commission the results of a risk analysis conducted by the covered
9 entity if required by 45 C.F.R. Section 164.308(a)(1)(ii)(A); or

10 (2) if the covered entity is licensed by a licensing
11 agency of this state, request that the licensing agency conduct an
12 audit of the covered entity's system to determine compliance with
13 the provisions of this chapter.

14 (c) The commission annually shall submit to the appropriate
15 standing committees of the senate and the house of representatives
16 a report regarding the number of federal audits of covered entities
17 in this state and the number of audits required under Subsection
18 (b).

19 Sec. 181.207. FUNDING. The commission and the Texas
20 Department of Insurance, in consultation with the Texas Health
21 Services Authority, shall apply for and actively pursue available
22 federal funding for enforcement of this chapter.

23 SECTION 12. Section 182.002, Health and Safety Code, is
24 amended by adding Subdivisions (2-a), (3-a), and (3-b) to read as
25 follows:

26 (2-a) "Covered entity" has the meaning assigned by
27 Section 181.001.

1 (3-a) "Disclose" has the meaning assigned by Section
2 181.001.

3 (3-b) "Health Insurance Portability and
4 Accountability Act and Privacy Standards" has the meaning assigned
5 by Section 181.001.

6 SECTION 13. Subchapter C, Chapter 182, Health and Safety
7 Code, is amended by adding Section 182.108 to read as follows:

8 Sec. 182.108. STANDARDS FOR ELECTRONIC SHARING OF PROTECTED
9 HEALTH INFORMATION; COVERED ENTITY CERTIFICATION. (a) The
10 corporation shall develop and submit to the commission for
11 ratification privacy and security standards for the electronic
12 sharing of protected health information.

13 (b) The commission shall review and by rule adopt acceptable
14 standards submitted for ratification under Subsection (a).

15 (c) Standards adopted under Subsection (b) must be designed
16 to:

17 (1) comply with the Health Insurance Portability and
18 Accountability Act and Privacy Standards and Chapter 181;

19 (2) comply with any other state and federal law
20 relating to the security and confidentiality of information
21 electronically maintained or disclosed by a covered entity;

22 (3) ensure the secure maintenance and disclosure of
23 personally identifiable health information;

24 (4) include strategies and procedures for disclosing
25 personally identifiable health information; and

26 (5) support a level of system interoperability with
27 existing health record databases in this state that is consistent

1 with emerging standards.

2 (d) The corporation shall establish a process by which a
3 covered entity may apply for certification by the corporation of a
4 covered entity's past compliance with standards adopted under
5 Subsection (b).

6 (e) The corporation shall publish the standards adopted
7 under Subsection (b) on the corporation's Internet website.

8 SECTION 14. Section 521.053, Business & Commerce Code, is
9 amended by amending Subsection (b) and adding Subsection (b-1) to
10 read as follows:

11 (b) A person who conducts business in this state and owns or
12 licenses computerized data that includes sensitive personal
13 information shall disclose any breach of system security, after
14 discovering or receiving notification of the breach, to any
15 individual [~~resident of this state~~] whose sensitive personal
16 information was, or is reasonably believed to have been, acquired
17 by an unauthorized person. The disclosure shall be made as quickly
18 as possible, except as provided by Subsection (d) or as necessary to
19 determine the scope of the breach and restore the reasonable
20 integrity of the data system.

21 (b-1) Notwithstanding Subsection (b), the requirements of
22 Subsection (b) apply only if the individual whose sensitive
23 personal information was or is reasonably believed to have been
24 acquired by an unauthorized person is a resident of this state or
25 another state that does not require a person described by
26 Subsection (b) to notify the individual of a breach of system
27 security. If the individual is a resident of a state that requires

1 a person described by Subsection (b) to provide notice of a breach
2 of system security, the notice of the breach of system security
3 provided under that state's law satisfies the requirements of
4 Subsection (b).

5 SECTION 15. Section 521.151, Business & Commerce Code, is
6 amended by adding Subsection (a-1) to read as follows:

7 (a-1) In addition to penalties assessed under Subsection
8 (a), a person who fails to take reasonable action to comply with
9 Section 521.053(b) is liable to this state for a civil penalty of
10 not more than \$100 for each individual to whom notification is due
11 under that subsection for each consecutive day that the person
12 fails to take reasonable action to comply with that subsection.
13 Civil penalties under this section may not exceed \$250,000 for all
14 individuals to whom notification is due after a single breach. The
15 attorney general may bring an action to recover the civil penalties
16 imposed under this subsection.

17 SECTION 16. Section 522.002(b), Business & Commerce Code,
18 is amended to read as follows:

19 (b) An offense under this section is a Class B misdemeanor,
20 except that the offense is a state jail felony if the information
21 accessed, read, scanned, stored, or transferred was protected
22 health information as defined by the Health Insurance Portability
23 and Accountability Act and Privacy Standards, as defined by Section
24 181.001, Health and Safety Code.

25 SECTION 17. Subchapter B, Chapter 531, Government Code, is
26 amended by adding Section 531.0994 to read as follows:

27 Sec. 531.0994. STUDY; ANNUAL REPORT. (a) The commission,

1 in consultation with the Department of State Health Services, the
2 Texas Medical Board, and the Texas Department of Insurance, shall
3 explore and evaluate new developments in safeguarding protected
4 health information.

5 (b) Not later than December 1 each year, the commission
6 shall report to the legislature on new developments in safeguarding
7 protected health information and recommendations for the
8 implementation of safeguards within the commission.

9 SECTION 18. Subchapter B, Chapter 602, Insurance Code, is
10 amended by adding Section 602.054 to read as follows:

11 Sec. 602.054. COMPLIANCE WITH OTHER LAW. A covered entity
12 shall comply with:

13 (1) Subchapter D, Chapter 181, Health and Safety Code,
14 except as otherwise provided by that subchapter; and

15 (2) the standards adopted under Section 182.108,
16 Health and Safety Code.

17 SECTION 19. (a) In this section, "unsustainable covered
18 entity" means a covered entity, as defined by Section 181.001,
19 Health and Safety Code, that ceases to operate.

20 (b) The Health and Human Services Commission, in
21 consultation with the Texas Health Services Authority and the Texas
22 Medical Board, shall review issues regarding the security and
23 accessibility of protected health information maintained by an
24 unsustainable covered entity.

25 (c) Not later than December 1, 2012, the Health and Human
26 Services Commission shall submit to the appropriate standing
27 committees of the senate and the house of representatives

1 recommendations for:

2 (1) the state agency to which the protected health
3 information maintained by an unsustainable covered entity should be
4 transferred for storage;

5 (2) ensuring the security of protected health
6 information maintained by unsustainable covered entities in this
7 state, including secure transfer methods from the covered entity to
8 the state;

9 (3) the method and period of time for which protected
10 health information should be maintained by the state after transfer
11 from an unsustainable covered entity;

12 (4) methods and processes by which an individual
13 should be able to access the individual's protected health
14 information after transfer to the state; and

15 (5) funding for the storage of protected health
16 information after transfer to the state.

17 (d) This section expires January 1, 2013.

18 SECTION 20. (a) A task force on health information
19 technology is created.

20 (b) The task force is composed of:

21 (1) 11 members appointed by the attorney general with
22 the advice of the chairs of the standing committees of the senate
23 and house of representatives having primary jurisdiction over
24 health information technology issues, including:

25 (A) at least two physicians;

26 (B) at least two individuals who represent
27 hospitals;

1 (C) at least one private citizen who represents
2 patient and parental rights; and

3 (D) at least one pharmacist; and

4 (2) the following ex officio members:

5 (A) the executive commissioner of the Health and
6 Human Services Commission or an employee of the commission
7 designated by the executive commissioner;

8 (B) the commissioner of the Department of State
9 Health Services or an employee of the department designated by the
10 commissioner; and

11 (C) the presiding officer of the Texas Health
12 Services Authority or an employee of the authority designated by
13 the presiding officer.

14 (c) Not later than December 1, 2012, the attorney general
15 shall appoint the members of the task force and appoint a chair of
16 the task force from among its membership. The chair of the task
17 force must have expertise in:

18 (1) state and federal health information privacy law;

19 (2) patient rights; and

20 (3) electronic signatures and other consent tools.

21 (d) The task force shall develop recommendations regarding:

22 (1) the improvement of informed consent protocols for
23 the electronic exchange of protected health information, as that
24 term is defined by the Health Insurance Portability and
25 Accountability Act and Privacy Standards, as defined by Section
26 181.001, Health and Safety Code, as amended by this Act;

27 (2) the improvement of patient access to and use of

1 electronically maintained and disclosed protected health
2 information for the purpose of personal health and coordination of
3 health care services; and

4 (3) any other critical issues, as determined by the
5 task force, related to the exchange of protected health
6 information.

7 (e) Not later than January 1, 2014, the task force shall
8 submit to the standing committees of the senate and house of
9 representatives having primary jurisdiction over health
10 information technology issues and the Texas Health Services
11 Authority a report including the task force's recommendations under
12 Subsection (d).

13 (f) The Texas Health Services Authority shall publish the
14 report submitted under Subsection (e) on the authority's Internet
15 website.

16 (g) This section expires February 1, 2014.

17 SECTION 21. Section 531.0315(b), Government Code, is
18 repealed.

19 SECTION 22. Not later than January 1, 2013:

20 (1) the attorney general shall adopt the form required
21 by Section 181.154, Health and Safety Code, as added by this Act;
22 and

23 (2) the Health and Human Services Commission shall
24 adopt the standards required by Section 182.108, Health and Safety
25 Code, as added by this Act.

26 SECTION 23. (a) Not later than May 1, 2013, the attorney
27 general shall establish the Internet website required by Section

1 181.103, Health and Safety Code, as added by this Act.

2 (b) Not later than December 1, 2013, the attorney general
3 shall submit the initial report required by Section 181.104, Health
4 and Safety Code, as added by this Act.

5 SECTION 24. Not later than December 1, 2013, the Health and
6 Human Services Commission shall submit the initial report required
7 by Section 531.0994, Government Code, as added by this Act.

8 SECTION 25. The changes in law made by Section 181.201,
9 Health and Safety Code, as amended by this Act, Section 521.053,
10 Business & Commerce Code, as amended by this Act, and Section
11 521.151(a-1), Business & Commerce Code, as added by this Act, apply
12 only to conduct that occurs on or after the effective date of this
13 Act. Conduct that occurs before the effective date of this Act is
14 governed by the law in effect at the time the conduct occurred, and
15 the former law is continued in effect for that purpose.

16 SECTION 26. The change in law made by Section 522.002(b),
17 Business & Commerce Code, as amended by this Act, applies only to an
18 offense committed on or after the effective date of this Act. An
19 offense committed before the effective date of this Act is governed
20 by the law in effect at the time the offense was committed, and the
21 former law is continued in effect for that purpose. For purposes of
22 this section, an offense was committed before the effective date of
23 this Act if any element of the offense was committed before that
24 date.

25 SECTION 27. This Act takes effect September 1, 2012.

President of the Senate

Speaker of the House

I certify that H.B. No. 300 was passed by the House on May 4, 2011, by the following vote: Yeas 141, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 300 on May 26, 2011, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 300 on May 29, 2011, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 300

I certify that H.B. No. 300 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 300 on May 29, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor