

By: Taylor

S.B. No. 992

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to misrepresentations in connection with certain drug  
3 testing devices or equipment; providing penalties.

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

5 SECTION 1. Section 32.42, Penal Code, is amended by  
6 amending Subsection (b) and adding Subsection (e) to read as  
7 follows:

8 (b) A person commits an offense if in the course of business  
9 he intentionally, knowingly, recklessly, or with criminal  
10 negligence commits one or more of the following deceptive business  
11 practices:

12 (1) using, selling, or possessing for use or sale a  
13 false weight or measure, or any other device for falsely  
14 determining or recording any quality or quantity;

15 (2) selling less than the represented quantity of a  
16 property or service;

17 (3) taking more than the represented quantity of  
18 property or service when as a buyer the actor furnishes the weight  
19 or measure;

20 (4) selling an adulterated or mislabeled commodity;

21 (5) passing off property or service as that of  
22 another;

23 (6) representing that a commodity is original or new  
24 if it is deteriorated, altered, rebuilt, reconditioned, reclaimed,

1 used, or secondhand;

2 (7) representing that a commodity or service is of a  
3 particular style, grade, or model if it is of another;

4 (8) advertising property or service with intent:

5 (A) not to sell it as advertised, or

6 (B) not to supply reasonably expectable public  
7 demand, unless the advertising adequately discloses a time or  
8 quantity limit;

9 (9) representing the price of property or service  
10 falsely or in a way tending to mislead;

11 (10) making a materially false or misleading statement  
12 of fact concerning the reason for, existence of, or amount of a  
13 price or price reduction;

14 (11) conducting a deceptive sales contest; ~~[or]~~

15 (12) making a materially false or misleading  
16 statement:

17 (A) in an advertisement for the purchase or sale  
18 of property or service; or

19 (B) otherwise in connection with the purchase or  
20 sale of property or service; or

21 (13) manufacturing, selling, or attempting to sell a  
22 drug testing device or equipment and representing that the device  
23 or equipment is capable of or certified for returning quantitative  
24 drug test results if the device or equipment has not been approved  
25 by the United States Food and Drug Administration to perform  
26 quantitative drug tests.

27 (e) An offense under Subsection (b)(13) is a Class C

1 misdemeanor. Each violation of Subsection (b)(13) constitutes a  
2 separate offense.

3 SECTION 2. This Act takes effect September 1, 2013.