

By: Taylor

S.B. No. 992

A BILL TO BE ENTITLED

AN ACT

relating to misrepresentations in connection with certain drug testing devices or equipment; providing penalties.

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

SECTION 1. Subchapter E, Chapter 17, Business & Commerce Code, is amended by adding Section 17.463 to read as follows:

Sec. 17.463. CERTAIN DRUG TESTING DEVICES OR EQUIPMENT.

(a) A manufacturer or seller of a drug testing device or equipment may not represent to a consumer that the device or equipment is capable of or certified for returning quantitative drug test results if the device or equipment has not been approved by the United States Food and Drug Administration to perform quantitative drug tests.

(b) A person who violates this section commits an offense. Each violation constitutes a separate offense.

(c) An offense under Subsection (b) is a Class C misdemeanor.

(d) If conduct constituting an offense under this section also constitutes an offense under another section of this code or of any other law, including the Penal Code, the actor may be prosecuted under either section or under both sections.

(e) A violation of this section is a false, misleading, or deceptive act or practice under this subchapter, and any public or private right or remedy prescribed by this subchapter may be used to

1 enforce this section.

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