

1-1 By: Taylor S.B. No. 992  
 1-2 (In the Senate - Filed March 1, 2013; March 12, 2013, read  
 1-3 first time and referred to Committee on Business and Commerce;  
 1-4 April 8, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 1; April 8, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 992 By: Taylor

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to misrepresentations in connection with certain drug  
 1-22 testing devices or equipment; providing penalties.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 32.42, Penal Code, is amended by  
 1-25 amending Subsection (b) and adding Subsection (e) to read as  
 1-26 follows:

1-27 (b) A person commits an offense if in the course of business  
 1-28 he intentionally, knowingly, recklessly, or with criminal  
 1-29 negligence commits one or more of the following deceptive business  
 1-30 practices:

1-31 (1) using, selling, or possessing for use or sale a  
 1-32 false weight or measure, or any other device for falsely  
 1-33 determining or recording any quality or quantity;

1-34 (2) selling less than the represented quantity of a  
 1-35 property or service;

1-36 (3) taking more than the represented quantity of  
 1-37 property or service when as a buyer the actor furnishes the weight  
 1-38 or measure;

1-39 (4) selling an adulterated or mislabeled commodity;

1-40 (5) passing off property or service as that of  
 1-41 another;

1-42 (6) representing that a commodity is original or new  
 1-43 if it is deteriorated, altered, rebuilt, reconditioned, reclaimed,  
 1-44 used, or secondhand;

1-45 (7) representing that a commodity or service is of a  
 1-46 particular style, grade, or model if it is of another;

1-47 (8) advertising property or service with intent:

1-48 (A) not to sell it as advertised, or

1-49 (B) not to supply reasonably expectable public  
 1-50 demand, unless the advertising adequately discloses a time or  
 1-51 quantity limit;

1-52 (9) representing the price of property or service  
 1-53 falsely or in a way tending to mislead;

1-54 (10) making a materially false or misleading statement  
 1-55 of fact concerning the reason for, existence of, or amount of a  
 1-56 price or price reduction;

1-57 (11) conducting a deceptive sales contest; ~~or~~

1-58 (12) making a materially false or misleading  
 1-59 statement:

1-60 (A) in an advertisement for the purchase or sale

2-1 of property or service; or  
2-2 (B) otherwise in connection with the purchase or  
2-3 sale of property or service; or  
2-4 (13) manufacturing, selling, or attempting to sell a  
2-5 drug testing device or equipment and representing that the device  
2-6 or equipment is capable of or certified for returning quantitative  
2-7 drug test results if the device or equipment has not been approved  
2-8 by the United States Food and Drug Administration to perform  
2-9 quantitative drug tests.  
2-10 (e) An offense under Subsection (b)(13) is a Class C  
2-11 misdemeanor. Each violation of Subsection (b)(13) constitutes a  
2-12 separate offense.  
2-13 SECTION 2. This Act takes effect September 1, 2013.

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