

BILL ANALYSIS

C.S.H.B. 2675
By: Larson
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A person who sells, transfers, or otherwise furnishes chemical laboratory apparatus, such as beakers and flasks, in Texas keeps detailed and accurate records of all transactions related to the apparatus as a means of curtailing the illegal manufacturing of controlled substances. For chemical manufacturing companies legally engaged in commercial chemical manufacturing activities, this includes stringent recordkeeping for a significant number of apparatus.

Interested parties assert that if a chemical manufacturing company engaged in commercial research and development has received certain federal or state authorizations or designations, the company has already shown that its facilities and anti-theft measures meet high standards. C.S.H.B. 2675 seeks to acknowledge these higher standards in Texas law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2675 amends the Health and Safety Code to establish that provisions of the Texas Controlled Substances Act governing chemical laboratory apparatus record-keeping requirements do not apply to a chemical manufacturer engaged in commercial research and development whose primary business is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials; that operates a secure, restricted location that contains a physical plant not open to the public, the ingress into which is constantly monitored by security personnel; and that holds a federal Voluntary Protection Program Certification under the federal Occupational Safety and Health Act of 1970 or a Facility Operations Area authorization under the Texas Risk Reduction Program.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2675 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 481.062, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) A chemical manufacturer engaged in commercial research and development pursuant to a designation issued under 6 C.F.R. Part 25 is not required to register under this chapter.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Section 481.080, Health and Safety Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) This section does not apply to a chemical manufacturer engaged in commercial research and development:

(1) whose primary business is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials;

(2) that operates a secure, restricted location that contains a physical plant not open to the public, the ingress into which is constantly monitored by security personnel; and

(3) that holds:

(A) a Voluntary Protection Program Certification under Section (2)(b)(1), Occupational Safety and Health Act of 1970 (29 U.S.C. Section 651 et seq.); or

(B) a Facility Operations Area authorization under the Texas Risk Reduction Program (30 T.A.C. Chapter 350).

SECTION 2. Same as introduced version.