

**BILL ANALYSIS**

H.B. 3078  
By: Darby  
Public Health  
Committee Report (Unamended)

**BACKGROUND AND PURPOSE**

Under existing law, all Texas retailers and pharmacies are required to report pseudoephedrine (PSE) sales to the National Precursor Log Exchange (NPLEx). However, this statute does not contain a requirement for PSE manufacturers to contribute to the funding of this monitoring system, resulting in an uneven financial burden and threatening the long-term sustainability of the system. According to the bill author, the Consumer Healthcare Products Association, representing manufacturers of over-the-counter medications, has raised concerns about this funding disparity, arguing that requiring all PSE manufacturers to share in the cost of NPLEx would provide a more equitable and sustainable funding source, ensuring continued operation and effectiveness of the monitoring system. H.B. 3078 seeks to provide for a more equitable funding structure of NPLEx.

**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**

H.B. 3078 amends the Health and Safety Code to require a manufacturer of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine sold in Texas to pay a monthly fee to the system administrator of each real-time electronic logging system a business establishment uses to transmit information on the establishment's sales of the manufacturer's products to support the establishment's use of the system and requires each system administrator to set a fair and reasonable amount for the fee. The bill requires a manufacturer, at the request of the Department of State Health Services (DSHS), to provide written documentation demonstrating the manufacturer paid all the required fees and authorizes DSHS to impose an administrative penalty on a manufacturer that fails to pay the required fee.

H.B. 3078 defines "system administrator" as an entity responsible for developing, implementing, and maintaining a real-time electronic logging system.

H.B. 3078 applies only to a fee imposed on or after the 30th day after the bill's effective date.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.