

SUBJECT: Study of statewide electronic records system for the sale of certain drugs

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 8 ayes — Merritt, Frost, Burnam, Driver, P. King, Mallory Caraway,
Rodriguez, Vo

0 nays

1 absent — Lewis

WITNESSES: For — Kathy Barber, Texas Federation of Drug Stores

Against — None

On — Johnny Hatcher, Texas Department of Public Safety

BACKGROUND: Businesses that sell over-the-counter ephedrine, pseudoephedrine, and norpseudoephedrine products must keep a record of the sale of these products. These drugs are found in common medications such as cold remedies but may be used illegally to manufacture methamphetamines.

DIGEST: CSHB 4517 would establish an interagency council to study the implementation of a statewide electronic records system for businesses to transmit to the Department of Public Safety (DPS) records relating to over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine products. The study would have to examine:

- the feasibility and costs of implementing a statewide electronic records system, including the ability of DPS and businesses to participate;
- existing state infrastructure or resources that could be used;
- standards for data security, uniformity, and potential use for law-enforcement purposes; and
- methods to deter illicit methamphetamine manufacturing and use.

The interagency council members would include designees of the Department of Public Safety, State Board of Pharmacy, and Department of

State Health Services. The council would solicit input from businesses that sold the products, certain state and federal law enforcement agencies, and other entities as necessary.

By December 1, 2010, the interagency council would have to submit a report to the Legislature, including the council's recommendations regarding a statewide electronic records system and findings regarding potential costs and use.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.