CHAPTER 956

H.B. No. 1803

AN ACT
relating to controlled substance registration by physicians and the regulation of persons engaged in
pain management; changing the payment schedule for a fee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 481.061(c), Health and Safety Code, is amended to read as follows:

(c) A separate registration is required at each principal place of business or professional
practice where the applicant manufactures, distributes, analyzes, dispenses, or possesses a
controlled substance[; however], except that the director may not require separate registration for:

(1) a physician licensed under Subtitle B, Title 3, Occupations Code; or

(2) a practitioner engaged in research with a nonnarcotic controlled substance listed in
Schedules II through V if the registrant is already registered under this subchapter in
another capacity.

SECTION 2. Section 481.063(g), Health and Safety Code, is amended to read as follows:

(g) Except as otherwise provided by Section 481.0645 for a physician licensed under
Subtitle B, Title 3, Occupations Code, a registration is valid until the first anniversary of
the date of issuance and may be renewed annually under rules adopted by the director, unless
a rule provides for a longer period of validity or renewal.

SECTION 3. Section 481.064, Health and Safety Code, is amended by amending Subsection (a)
and adding Subsection (a-i) to read as follows:

(a) Except as otherwise provided by Section 481.0645 for a physician licensed under
Subtitle B, Title 3, Occupations Code, the director may charge a nonrefundable fee of
not more than $25 before processing an application for annual registration and may charge a
late fee of not more than $50 for each application for renewal the department receives after
the date the registration expires. The director by rule shall set the amounts of the fees at
the amounts that are necessary to cover the cost of administering and enforcing this
subchapter. Except as provided by Subsection (b) or Section 156.004, Occupations Code,
registrants shall pay the fees to the director. Not later than 60 days before the date the
registration expires, the director shall send a renewal notice to the registrant at the last
known address of the registrant according to department records, unless the registrant is a
physician to whom notice of expiration is provided under Section 156.004, Occupations Code.

(a-i) Notwithstanding Subsection (a), the director shall continue to send renewal notices
to registrants who are physicians. This subsection expires January 1, 2016.

SECTION 4. Subchapter C, Chapter 481, Health and Safety Code, is amended by adding
Section 481.0645 to read as follows:

Sec. 481.0645. REGISTRATION, RENEWAL, AND FEES FOR PHYSICIANS. (a) The registration under this chapter of a physician licensed under Subtitle B, Title 3,
Occupations Code, is valid for a period of not less than two years and expires on the same
date the physician’s registration permit issued by the Texas Medical Board under Chapter
156, Occupations Code, expires.

(a-i) Notwithstanding Subsection (a), a registration of a physician licensed under
Subtitle B, Title 3, Occupations Code, that is in effect on January 1, 2014, expires on the date
on which the physician’s registration permit issued by the Texas Medical Board under
Chapter 156, Occupations Code, expires. This subsection expires January 1, 2017.

(b) The director may charge a physician registered under this section a nonrefundable
registration fee of not more than $50 and a late fee for each application submitted after the
expiration of the grace period described by Section 156.004(b), Occupations Code.

(c) A physician may request the renewal of the physician’s registration under this chapter
by remitting the information required under Section 481.063 and the fee required under
Subsection (b) to the Texas Medical Board. The Texas Medical Board must allow a physician to submit the information and pay the fee electronically.

(d) A physician requesting renewal under this section must meet all eligibility requirements under Section 481.063(e).

(e) The director shall adopt any rules necessary to administer this section. The director shall coordinate with the Texas Medical Board in the adoption of rules necessary under this section to prevent any conflicts between rules adopted by the agencies and to ensure that administrative burden to physicians is minimized.

SECTION 5. Subchapter A, Chapter 156, Occupations Code, is amended by adding Section 156.0035 to read as follows:

Sec. 156.0035. RENEWAL OF CONTROLLED SUBSTANCE REGISTRATION. (a) The board shall accept the renewal application and fee submitted by a physician under Section 481.0645, Health and Safety Code, for a registration under Subchapter C, Chapter 481, Health and Safety Code.

(b) The board by rule shall adopt a procedure for submitting a registration renewal application and remitting the registration fee to the Department of Public Safety.

(c) The board shall coordinate a physician's controlled substance registration renewal with the registration required under this chapter so that the times of registration, payment, and notice are the same and provide a minimum of administrative burden to the board and to physicians.

SECTION 6. Section 156.004, Occupations Code, is amended to read as follows:

Sec. 156.004. NOTICE OF EXPIRATION. (a) At least 60 days before the date on which a physician's registration permit expires, the board shall send a registration permit renewal application notice to each physician at the physician's last known address according to the board's records:

(1) a renewal notice for the physician's registration with the Department of Public Safety under Subchapter C, Chapter 481, Health and Safety Code.

(b) The board shall provide for a 30-day grace period for renewing the registration permit from the date of the expiration of the permit.

SECTION 7. Section 168.002, Occupations Code, is amended to read as follows:

Sec. 168.002. EXEMPTIONS. This chapter does not apply to:

(1) a medical or dental school or an outpatient clinic associated with a medical or dental school;

(2) a hospital, including any outpatient facility or clinic of a hospital;

(3) a hospice established under 40 T.A.C. Section 97.403 or defined by 42 C.F.R. Section 418.3;

(4) a facility maintained or operated by this state;

(5) a clinic maintained or operated by the United States;

(6) a health organization certified by the board under Section 162.001;

(7) a clinic owned or operated by a physician who treats patients within the physician's area of specialty and personally uses other forms of treatment, including surgery, with the issuance of a prescription for a majority of the patients; or

(8) a clinic owned or operated by an advanced practice nurse licensed in this state who treats patients in the nurse's area of specialty and personally uses other forms of treatment with the issuance of a prescription for a majority of the patients.

SECTION 8. Section 168.201, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) A person who owns or operates a pain management clinic is engaged in the practice of medicine.
SECTION 9. (a) The changes in law made to Subchapter C, Chapter 481, Health and Safety Code, by this Act apply only to a registration under that subchapter that expires on or after the effective date of this Act.

(b) The changes in law made to Chapter 156, Occupations Code, by this Act apply only to a registration permit under that chapter that expires on or after the effective date of this Act.

(c) An unexpired registration under Subchapter C, Chapter 481, Health and Safety Code, held by a physician on the effective date of this Act expires on the date on which the registration permit issued to the physician under Chapter 156, Occupations Code, expires.

SECTION 10. This Act takes effect January 1, 2014.

Passed by the House on May 2, 2013: Yeas 145, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1803 on May 24, 2013: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective January 1, 2014.

CHAPTER 957

H.B. No. 1813

AN ACT

relating to the authority of a municipality to confiscate packaged fireworks; providing an affirmative defense for possessing fireworks in certain circumstances.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 342.003, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) Subsection (a)(8) does not authorize a municipality to confiscate packaged, unopened fireworks.

SECTION 2. Subchapter B, Chapter 342, Local Government Code, is amended by adding Section 342.013 to read as follows:

Sec. 342.013. CONFISCATION OF CERTAIN FIREWORKS PROHIBITED; AFFIRMATIVE DEFENSE. (a) A home-rule municipality that regulates fireworks may not confiscate packaged, unopened fireworks.

(b) It is an affirmative defense to prosecution for possession of fireworks brought under a municipal ordinance that:

(1) the defendant was operating or was a passenger in a motor vehicle that was being operated in a public place; and

(2) the fireworks were not in the passenger area of the vehicle.

(c) For purposes of Subsection (b), the “passenger area” of a motor vehicle means the area of the vehicle designed for the seating of the operator and the passengers of the vehicle. The term does not include:

(1) a locked glove compartment or similar locked storage area;

(2) the trunk of a vehicle; or

(3) the area behind the last upright seat of a vehicle that does not have a trunk.

SECTION 3. 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, 2013.

Passed by the House on May 7, 2013: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.