

AN ACT

relating to the establishment of certain programs and initiatives designed to prevent the manufacture and use of methamphetamine; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 6, Health and Safety Code, is amended by adding Chapter 468 to read as follows:

CHAPTER 468. PROGRAMS AND INITIATIVES TO PREVENT  
THE MANUFACTURE AND USE OF METHAMPHETAMINE

SUBCHAPTER A. METHAMPHETAMINE WATCH PROGRAM

Sec. 468.001. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of State Health Services.

(2) "Program" means the methamphetamine watch program established under this subchapter.

Sec. 468.002. METHAMPHETAMINE WATCH PROGRAM. (a) The department shall implement a methamphetamine watch program to:

(1) inform retailers of the problems associated with the illicit manufacture and use of methamphetamine in this state; and

(2) encourage retailers to limit patron access to products used in the illicit manufacture of methamphetamine, including products containing pseudoephedrine.

(b) The department shall implement the program in

1 consultation with the Department of Public Safety of the State of  
2 Texas and other state agencies as necessary. The department shall  
3 involve retailers, state and local law enforcement agencies, local  
4 governments, and community-based organizations in determining the  
5 manner in which to implement the program.

6 Sec. 468.003. RETAILER PARTICIPATION. (a) Retailer  
7 participation in the program is voluntary.

8 (b) A retailer participating in the program shall make  
9 reasonable efforts to deter the theft or improper sale of products  
10 used in the illicit manufacture of methamphetamine, including  
11 products containing pseudoephedrine, by:

12 (1) implementing product management practices that  
13 deter theft or suspicious purchases of the products, including  
14 limiting the quantity of the products on display for purchase,  
15 limiting the quantity of the products that may be purchased, and  
16 placing the products in high-traffic areas;

17 (2) placing signs adjacent to the products and at  
18 checkout counters to inform patrons of the retailer's participation  
19 in the program; and

20 (3) providing annual personnel training on:

21 (A) items commonly purchased for use in the  
22 illicit manufacture of methamphetamine;

23 (B) product management practices that deter  
24 theft or suspicious purchases of products used in the illicit  
25 manufacture of methamphetamine; and

26 (C) proper responses to observations of theft or  
27 suspicious purchases of products used in the illicit manufacture of

1 methamphetamine.

2 Sec. 468.004. GOOD FAITH REPORTING; LIMITATION ON  
3 LIABILITY. (a) In consultation with the Department of Public  
4 Safety of the State of Texas and local law enforcement agencies, the  
5 department shall establish guidelines for retailers and retail  
6 personnel to follow in making good faith reports of thefts,  
7 suspicious purchases, or other transactions involving products  
8 used in the illicit manufacture of methamphetamine. The guidelines  
9 must be designed to ensure that:

10 (1) reports are made to law enforcement agencies only  
11 under circumstances that are believed to reasonably justify a  
12 criminal investigation; and

13 (2) a person is not encouraged to maintain any record  
14 of purchases that are made or other transactions that occur for  
15 apparently legitimate purposes.

16 (b) The department shall involve retailers in determining  
17 the manner in which to implement the guidelines established under  
18 Subsection (a).

19 (c) A person is not liable for damages, other than economic  
20 damages, from an act relating to the reporting of information made  
21 in good faith and in accordance with the guidelines established  
22 under this section.

23 Sec. 468.005. FALSE REPORT; PENALTY. (a) A person commits  
24 an offense if the person knowingly makes a report or causes a report  
25 to be made to a law enforcement agency of a theft, suspicious  
26 purchase, or other transaction involving a product used in the  
27 manufacture of methamphetamine and the person knows the report is

1 false.

2 (b) An offense under this section is a Class C misdemeanor.

3 [Sections 468.006-468.050 reserved for expansion]

4 SUBCHAPTER B. PREVENTION AND EDUCATION PROGRAMS

5 Sec. 468.051. PROGRAMS DESIGNED TO HELP STUDENTS. In  
6 administering human services programs as required by Section  
7 1001.073, the Department of State Health Services shall:

8 (1) administer, coordinate, and contract for the  
9 delivery of programs designed to prevent the use of methamphetamine  
10 among students enrolled in a public or private school in this state;  
11 and

12 (2) provide education to appropriate school personnel  
13 and parents of school-age children on identifying and helping  
14 children who use methamphetamine or who are exposed to chemicals  
15 and other hazardous materials used in the manufacture of  
16 methamphetamine.

17 Sec. 468.052. EDUCATION REGARDING ANHYDROUS AMMONIA.

18 (a) In cooperation with other state agencies, the Office of the  
19 Texas State Chemist of the Texas Agricultural Experiment Station  
20 shall distribute materials used to educate distributors, farmers,  
21 retail dealers, cooperatives, and other appropriate persons  
22 regarding:

23 (1) the use of anhydrous ammonia in the illicit  
24 manufacture of methamphetamine; and

25 (2) practices and equipment that can be used to deter  
26 the theft of anhydrous ammonia.

27 (b) In the materials distributed under this section, the

1 Office of the Texas State Chemist shall encourage local law  
2 enforcement and community groups to cooperate in deterring the  
3 theft of anhydrous ammonia.

4 [Sections 468.053-468.100 reserved for expansion]

5 SUBCHAPTER C. DRUG-ENDANGERED

6 CHILD INITIATIVE

7 Sec. 468.101. DEFINITIONS. In this subchapter:

8 (1) "Child" means a person under 18 years of age.

9 (2) "Department" means the Department of Family and  
10 Protective Services.

11 Sec. 468.102. DRUG-ENDANGERED CHILD INITIATIVE. The  
12 department shall establish a drug-endangered child initiative  
13 aimed at protecting children who are exposed to methamphetamine or  
14 to chemicals and other hazardous materials used in the illicit  
15 manufacture of methamphetamine.

16 Sec. 468.103. DUTY TO REPORT; DEPARTMENT RECORDS. (a) To  
17 the extent that reporting does not interfere with an ongoing  
18 criminal investigation, the Department of Public Safety of the  
19 State of Texas and each local law enforcement agency shall report to  
20 the department on discovering the presence of a child in a location  
21 where methamphetamine is manufactured.

22 (b) The department shall maintain a record of reports  
23 received under this section and shall include in the record  
24 information regarding actions taken by the department to ensure the  
25 child's safety and well-being.

26 SECTION 2. (a) The Department of State Health Services  
27 shall take all action necessary to provide for the implementation

1 of the programs required by Subchapter A, Chapter 468, Health and  
2 Safety Code, as added by this Act, and Section 468.051, Health and  
3 Safety Code, as added by this Act, not later than September 1, 2006.

4 (b) The Office of the Texas State Chemist of the Texas  
5 Agricultural Experiment Station shall take all action necessary to  
6 provide for the distribution of materials required by Section  
7 468.052, Health and Safety Code, as added by this Act, not later  
8 than September 1, 2006.

9 (c) The Department of Family and Protective Services shall  
10 take all action necessary to provide for the implementation of the  
11 initiative required by Subchapter C, Chapter 468, Health and Safety  
12 Code, as added by this Act, not later than September 1, 2006.

13 (d) Section 468.004, Health and Safety Code, as added by  
14 this Act, applies only to a cause of action that accrues on or after  
15 the effective date of this Act. An action that accrued before the  
16 effective date of this Act is governed by the law applicable to the  
17 action immediately before the effective date of this Act, and that  
18 law is continued in effect for that purpose.

19 (e) Section 468.004, Health and Safety Code, as added by  
20 this Act, is an exercise of authority under Subsection (c), Section  
21 66, Article III, Texas Constitution, and takes effect only if this  
22 Act receives a vote of three-fifths of all the members elected to  
23 each house, as provided by Subsection (e), Section 66 of that  
24 article.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.

David Swinhurst  
 President of the Senate

Jim Credle  
 Speaker of the House

I hereby certify that S.B. No. 66 passed the Senate on April 26, 2005, by the following vote: Yeas 31, Nays 0. \_\_\_\_\_

Satsy Spaw  
 Secretary of the Senate

I hereby certify that S.B. No. 66 passed the House on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting. \_\_\_\_\_

Robert Haney  
 Chief Clerk of the House

Approved:

15 JUN '05

Date

Rick Perry  
 Governor

FILED IN THE OFFICE OF THE  
 SECRETARY OF STATE  
 3:55 PM O'CLOCK

JUN 15 2005  
Roger Williams  
 Secretary of State