CHAPTER 346

H.B. No. 1084

AN ACT

relating to shipment of wine to ultimate consumers.

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

SECTION 1. Section 16.09(e), Alcoholic Beverage Code, is amended to read as follows:

(e) The holder of a winery permit may not:

(1) sell or ship wine to a minor;

(2) deliver wine to a consumer using a carrier that does not hold a carrier’s permit under this code; or

(3) deliver to the same consumer in this state more than nine [three] gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period [30-day period to the same consumer in this state].

SECTION 2. Section 54.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 54.02. PROHIBITED ACTIVITIES. The holder of an out-of-state winery direct shipper’s permit may not:

(1) sell or ship wine to a minor;

(2) deliver wine to a consumer using a carrier that does not hold a carrier’s permit under this code;

(3) deliver to the same consumer in this state more than nine [three] gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period [30-day period to the same consumer in this state]; or

(4) sell to ultimate consumers more than 35,000 gallons of wine annually.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on April 8, 2009: Yeas 146, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1084 on May 23, 2009: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 19, 2009: Yeas 30, Nays 0.

Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 347

H.B. No. 1093

AN ACT

relating to oversight of regional poison control centers and the poison control network.

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

SECTION 1. Section 771.031(b), Health and Safety Code, is amended to read as follows:

(b) The following individuals serve as nonvoting ex officio members:

(1) the executive director of the Public Utility Commission of Texas, or an individual designated by the executive director;
(2) the executive director of the Department of Information Resources, or an individual designated by the executive director; and

(3) the executive commissioner of the Health and Human Services Commission [public health], or an individual [who has responsibility for the poison control network] designated by the executive commissioner.

SECTION 2. Section 771.051(a), Health and Safety Code, is amended to read as follows:

(a) The commission is the state's authority on emergency communications. The commission shall:

(1) administer the implementation of statewide 9-1-1 service and the [telecommunications requirements for] poison control network, including poison control centers under Chapter 777;

(2) develop minimum performance standards for equipment and operation of 9-1-1 service to be followed in developing regional plans under Section 771.055, including requirements that the plans provide for:

(A) automatic number identification by which the telephone number of the caller is automatically identified at the public safety answering point receiving the call; and

(B) other features the commission considers appropriate;

(3) examine and approve or disapprove regional plans as provided by Section 771.056;

(4) recommend minimum training standards, assist in training, and provide assistance in the establishment and operation of 9-1-1 service;

(5) allocate money to prepare and operate regional plans as provided by Section 771.056;

(6) develop and provide public education materials and training;

(7) plan, implement, operate, and maintain poison control center databases and assist in planning, supporting, and facilitating 9-1-1 databases, as needed;

(8) provide grants or contracts for services that enhance the effectiveness of 9-1-1 service;

(9) coordinate emergency communications services and providers;

(10) make reasonable efforts to gain voluntary cooperation in the commission's activities of emergency communications authorities and providers outside the commission’s jurisdiction, including:

(A) making joint communications to state and federal regulators; and

(B) arranging cooperative purchases of equipment or services; and

(11) accept, receive, and deposit in its account in the general revenue fund gifts, grants, and royalties from public and private entities. Gifts, grants, and royalties may be used for the purposes of the commission.

SECTION 3. Section 771.072(e), Health and Safety Code, is amended to read as follows:

(e) From the revenue received from the surcharge imposed by this section, the amount derived from the application of the surcharge at a rate of not more than .8 percent shall be periodically allocated [to the Texas Department of Health] to fund grants awarded under Section 777.009 and other activities related to the poison control centers as required by Chapter 777.

SECTION 4. Section 777.001, Health and Safety Code, is amended to read as follows:

Sec. 777.001. REGIONAL POISON CONTROL CENTERS. (a) Six regional centers for poison control are designated as the regional poison control centers for the state as follows:

(1) The University of Texas Medical Branch at Galveston;
(2) the Dallas County Hospital District/North Texas Poison Center;
(3) The University of Texas Health Science Center at San Antonio;
(4) the University Medical Center of [R. E. Thomason General Hospital] El Paso, El Paso County Hospital District;
(5) the [Northwest] Texas Tech University Health Sciences Center at [Hospital] Amarillo [Hospital District]; and
(6) Scott and White Memorial Hospital, Temple, Texas.

(b) The poison control centers shall coordinate poison control activities within the designated health and human services regions for the state. The [Texas Department of Health and the Advisory] Commission on State Emergency Communications shall [jointly] adopt rules designating the region for each poison control center. The [Texas Department of Health and the Advisory] Commission on State Emergency Communications may [jointly] adopt rules permitting poison control centers to provide services for regions served by other poison control centers in this state as necessary to maximize efficient use of resources and provide appropriate services in each region.

(c) The Commission on State Emergency Communications [Texas Board of Health] may vote to designate a seventh regional or satellite poison control center in Harris County. That poison control center is subject to all provisions of this chapter and other law relating to regional poison control centers.

SECTION 5. Section 777.006, Health and Safety Code, is amended to read as follows:

Sec. 777.006. INFORMATION AT BIRTH. The Commission on State Emergency Communications [Texas Department of Health] shall assist the regional poison control centers in providing informational packets on poison prevention to parents of newborns.

SECTION 6. Sections 777.008 and 777.009, Health and Safety Code, are amended to read as follows:

Sec. 777.008. COORDINATING COMMITTEE. (a) The coordinating committee on poison control shall coordinate the activities of the regional poison control centers designated under Section 777.001(a) and advise the [Texas Board of Health and the Advisory] Commission on State Emergency Communications.

(b) The committee is composed of:

(1) one public member appointed by the [Texas Board of Health, one public member appointed by the Advisory] Commission on State Emergency Communications;

(2) six [and 13] members who represent the six regional poison control centers, one appointed by the chief executive officer of each center [each of the following entities]:

[(1) The University of Texas Medical Branch at Galveston;]

[(2) the Dallas County Hospital District/North Texas Poison Center;]

[(3) one member appointed by [The University of Texas Health Science Center at San Antonio;]

[(4) R. E. Thomason General Hospital, El Paso County Hospital District;]

[(5) Northwest Texas Hospital, Amarillo Hospital District;]

[(6) Scott and White Memorial Hospital, Temple, Texas;]

[(7) The University of Texas Southwestern Medical Center at Dallas;]

[(8) The Texas A&M University Health Science Center;]

[(9) the Texas Tech University Health Sciences Center;]

[(10) the Texas Veterinary Medical Diagnostic Laboratory;]

[(11) the Department of Agriculture;]

[(12) the commissioner of the [Texas] Department of State Health Services; and]

(4) one member who is a health care professional designated as the poison control program coordinator appointed by [(43)] the [Advisory] Commission on State Emergency Communications.

Sec. 777.009. FUNDING. (a) The [Texas Department of Health and the Advisory] Commission on State Emergency Communications shall establish a program to award grants to fund the regional poison control centers.

(b) The [Texas Board of Health and the Advisory] Commission on State Emergency Communications shall [jointly] adopt rules to establish criteria for awarding the grants. The rules must require the agency [agencies] to consider:
(1) the need of the region based on population served for poison control services and the extent to which the grant would meet the identified need;

(2) the assurance of providing quality services;

(3) the availability of other funding sources;

(4) achieving or maintaining certification as a poison control center with the American Association of Poison Control Centers;

(5) maintenance of effort; and

(6) the development or existence of telecommunications systems.

(c) The Commission on State Emergency Communications may approve grants according to their jointly adopted rules. A grant awarded under this section is governed by Chapter 783, Government Code, and the rules adopted under that chapter.

(d) The Commission on State Emergency Communications may accept gifts or grants from any source for purposes of this chapter.

SECTION 7. Sections 777.010(a) and (b), Health and Safety Code, are amended to read as follows:

(a) On approval by and in coordination with the governor, the Commission on State Emergency Communications may enter into a contract for the provision of telephone referral and information services or any program or service described by Section 777.003 to any person, including:

(1) another state or a political subdivision of another state; and

(2) another country or a political subdivision of another country.

(b) The Commission on State Emergency Communications shall contract with one or more regional poison control centers to provide the services required under a contract entered into under Subsection (a). The commission may not enter into a contract under this subsection if, in the opinion of the commission, the regional poison control center's performance of the contract would result in a diminishment in the services provided in the region.

SECTION 8. Section 777.011, Health and Safety Code, is amended to read as follows:

Sec. 777.011. REGIONAL POISON CONTROL SERVICES ACCOUNT. The regional poison control services account is an account in the general revenue fund. The account is composed of money deposited to the account under Section 777.010(c). Money in the account may be appropriated only to the Commission on State Emergency Communications:

(1) for administration of and payment for contracts entered into under Section 777.010(b); and

(2) to fund grants awarded under Section 777.009.

SECTION 9. Chapter 777, Health and Safety Code, is amended by adding Section 777.013 to read as follows:

Sec. 777.013. COOPERATION AND COORDINATION WITH THE DEPARTMENT OF STATE HEALTH SERVICES. (a) The Department of State Health Services, on request of the Commission on State Emergency Communications, shall provide epidemiological support to the regional poison control centers under this chapter to:

(1) maximize the use of data collected by the poison control network;

(2) assist the regional poison control centers with quality control and quality assurance;

(3) assist with research; and

(4) coordinate poison control activities with other public health activities.

(b) Each regional poison control center shall provide the Department of State Health Services with access to all data and information collected by the regional poison control center for public health activities and epidemiological and toxicological investigations.
(c) The Commission on State Emergency Communications and the Department of State Health Services shall enter into a memorandum of understanding that delineates the responsibilities of each agency under this section and amend the memorandum of understanding as necessary to reflect the changes in those responsibilities.

SECTION 10. (a) Not later than January 1, 2010, the Department of State Health Services and the Commission on State Emergency Communications shall enter into a memorandum of understanding that:

(1) identifies in detail the applicable powers and duties that are being transferred by this Act; and

(2) establishes a plan for the identification and transfer of the records, property, and unspent appropriations of the Department of State Health Services that are used for purposes of the Department of State Health Services' powers and duties relating to regional poison control centers under Chapter 777, Health and Safety Code, and other law.

(b) Not later than February 1, 2010, the Department of State Health Services and the Commission on State Emergency Communications shall enter into the memorandum of understanding required by Section 777.013, Health and Safety Code, as added by this Act.

SECTION 11. (a) On May 1, 2010:

(1) all functions and activities performed by the Department of State Health Services jointly with the Commission on State Emergency Communications immediately before that date are transferred to the Commission on State Emergency Communications;

(2) a rule, form, policy, procedure, or decision jointly adopted under Chapter 777, Health and Safety Code, as it existed before amendment by this Act, continues in effect as a rule, form, policy, procedure, or decision of the Commission on State Emergency Communications and remains in effect until amended or replaced by the Commission on State Emergency Communications;

(3) a reference in law or an administrative rule to the Department of State Health Services or its predecessor relating to regional poison control centers is a reference to the Commission on State Emergency Communications;

(4) all money, contracts, leases, rights, property, records, and bonds and other obligations of the Department of State Health Services or its predecessor relating to regional poison control centers are transferred to the Commission on State Emergency Communications;

(5) a court case, administrative proceeding, contract negotiation, or other proceeding relating to regional poison control centers involving the Department of State Health Services or its predecessor relating to regional poison control centers is transferred to the Commission on State Emergency Communications in a negotiation or proceeding relating to an activity transferred by this Act to the Commission on State Emergency Communications to which the Department of State Health Services is a party; and

(6) the unexpended and unobligated balance of any money appropriated by the legislature for the Department of State Health Services relating to regional poison control centers is transferred to the Commission on State Emergency Communications.

(b) Before May 1, 2010, the Department of State Health Services may agree with the Commission on State Emergency Communications to transfer any property of the Department of State Health Services to the Commission on State Emergency Communications to implement the transfer required by this section.

(c) During the period beginning on September 1, 2009, and ending on April 30, 2010:

(1) the Department of State Health Services shall continue to perform functions and activities relating to regional poison control centers under the Health and Safety Code or other law as if the law had not been amended or repealed, as applicable, and the former law is continued in effect for that purpose; and

(2) a person who is authorized or required by law to take an action relating to the Department of State Health Services or a member of the Department of State Health
Services relating to regional poison control centers shall continue to take that action under the law as if the law had not been amended or repealed, as applicable, and the former law is continued in effect for that purpose.

SECTION 12. The term of a member serving on the coordinating committee on poison control immediately preceding the effective date of this Act expires on that date. The member may be reappointed to the committee.

SECTION 13. This Act takes effect September 1, 2009.

Passed by the House on April 28, 2009: Yeas 148, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 348

H.B. No. 1096

AN ACT

relating to the provision of notice regarding the availability of higher education textbooks through multiple retailers.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9705 to read as follows:

Sec. 51.9705. NOTICE REGARDING AVAILABILITY OF TEXTBOOKS THROUGH MULTIPLE RETAILERS. (a) In this section:

(1) “Institution of higher education” has the meaning assigned by Section 61.003.

(2) “University-affiliated bookstore” means a bookstore that:

(A) sells textbooks for courses offered by an institution of higher education, regardless of whether the bookstore is located on the campus of the institution; and

(B) is operated by or with the approval of the institution through ownership, a management agreement, a lease or rental agreement, or otherwise.

(b) The Texas Higher Education Coordinating Board shall prescribe procedures by which each institution of higher education shall provide to each student enrolled at the institution written notice regarding the availability of required or recommended textbooks through university-affiliated bookstores and through retailers other than university-affiliated bookstores. The procedures must require the institution to provide the notice:

(1) to each student of the institution during the week preceding each fall and spring semester;

(2) to each student enrolled at the institution in a semester or summer term during the first three weeks of the semester or the first week of the summer term, as applicable; and

(3) to students or prospective students of the institution attending an orientation conducted by or for the institution.

(c) The notice shall be provided in a hard-copy or electronic format in a manner that ensures that the notice is reasonably likely to come to the attention of a student receiving the notice. The notice must contain the following:

“A student of this institution is not under any obligation to purchase a textbook from a university-affiliated bookstore. The same textbook may also be available from an independent retailer, including an online retailer.”

(d) The coordinating board shall adopt rules to administer this section.

SECTION 2. (a) The change in law made by this Act applies beginning with the 2009 fall semester.