SECTION 2. This Act takes effect September 1, 2009.
Passed by the House on April 24, 2009: Yeas 139, 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 396
H.B. No. 1740

AN ACT
relating to the authorization of physicians and therapeutic optometrists to dispense therapeutic contact lenses.

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

SECTION 1. Section 551.003, Occupations Code, is amended by adding Subdivision (42-a) to read as follows:

(42-a) "Therapeutic contact lens" means a contact lens that contains one or more drugs and that delivers the drugs into the wearer's eye.

SECTION 2. Section 551.004, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) This subtitle does not prevent a physician or therapeutic optometrist from dispensing and charging for therapeutic contact lenses. This subsection does not authorize a therapeutic optometrist to prescribe, administer, or dispense a drug that is otherwise outside the therapeutic optometrist's scope of practice.

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, 2009.

Passed by the House on April 21, 2009: Yeas 140, Nays 1, 2 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.
Approved June 19, 2009.

CHAPTER 397
H.B. No. 1749

AN ACT
relating to the issuance of marine conservation specialty license plates.

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

SECTION 1. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.660 to read as follows:

Sec. 504.660. MARINE CONSERVATION LICENSE PLATES. (a) After deduction of the department's administrative costs in accordance with Section 504.801, the remainder of the fees allocated under Section 504.801(e)(2)(A) from the sale of Marine Conservation plates shall be deposited to the credit of an account in the state treasury to be used by the Texas Parks and Wildlife Department to support the activities of Coastal Conservation Association Texas in the conservation of marine resources.

(b) The Texas Parks and Wildlife Department shall establish reporting and other mechanisms necessary to ensure that the money is spent for the purpose for which it is dedicated.
CHAPTER 398

H.B. No. 1757

AN ACT

relating to review of certain license examinations for insurance agents.

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

SECTION 1. Subchapter A, Chapter 4002, Insurance Code, is amended by adding Section 4002.008 to read as follows:

Sec. 4002.008. STANDARDS FOR EXAMINATION PASS RATES; ANNUAL REPORT. (a) This section applies only to insurance agent license examinations for limited and single lines licenses, including agent licenses issued under:

(1) Subchapters C and I, Chapter 4051; and

(2) Subchapters C and G, Chapter 4054.

(b) The commissioner or, at the commissioner's discretion, a vendor under contract with the department, shall review a license examination subject to this section if, during any 12-month period beginning on September 1 of a year, that examination exhibits an overall pass rate of less than 70 percent for first-time examinees.

(c) The department shall collect demographic information, including, race, gender, and national origin, from an individual taking a license examination subject to this section.

(d) The department shall compile an annual report based on the review required under Subsection (b). The report must indicate whether there was any disparity in the pass rate based on demographic information.

(e) The commissioner by rule may establish procedures as necessary to:

(1) collect demographic information necessary to implement this section; and

(2) ensure that a review required under Subsection (b) is conducted and the resulting report is prepared.

(f) The commissioner shall deliver the report prepared under Subsection (d) to the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 1 of each year.

SECTION 2. (a) The first 12-month period for which a license examination review may be required under Section 4002.008(b), Insurance Code, as added by this Act, begins September 1, 2009.

(b) The commissioner of insurance shall deliver the initial report required under Section 4002.008, Insurance Code, as added by this Act, not later than December 1, 2010.

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, 2009.

Passed by the House on April 15, 2009: Yeas 147, Nays 0, 1 present, not voting; passed by the Senate on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.