

BILL ANALYSIS

Senate Research Center

C.S.S.B. 656
By: Wentworth
Health Services
3/17/1999
Committee Report (Substituted)

DIGEST

Currently, ephedrine is approved by the U.S. Food and Drug Administration for nonprescription and over-the-counter drug sales as a bronchodilator for asthma sufferers. Many states have become concerned about the misuse of certain products containing ephedrine and marketed as stimulants, appetite suppressants, and muscle enhancers. C.S.S.B. 656 would create an offense for the transfer of certain products containing ephedrine to a person 17 years of age or younger.

PURPOSE

As proposed, C.S.S.B. 656 would create an offense for the transfer of certain products containing ephedrine to a person 17 years of age or younger.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Health in SECTION 1 (Section 481.1365(c), Chapter 481D, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 481D, Health and Safety Code, by adding Section 481.1365, as follows:

Sec. 481.1365. OFFENSE: TRANSFER OF PRODUCT CONTAINING EPHEDRINE. Provides that a person commits an offense if the person knowingly sells, transfers, or otherwise furnishes a product containing ephedrine to a person 17 years of age or younger. Sets forth the exceptions to the offense of selling, transferring, or otherwise furnishing a product containing ephedrine to a person 17 years of age or younger, including when a product is a formulation in a solid dose form, including soft gelatin caplets, that combines certain active ingredients; an anorectal preparation containing less than five percent ephedrine; a nasal decongestant preparation containing not more than 0.5 percent ephedrine; or a drug product marketed under an approved new drug application under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.), as amended. Provides that an offense under this section is a Class C misdemeanor, unless it is shown at the trial that the defendant has been previously convicted of an offense under this section, in which case the offense is a Class B misdemeanor. Requires a product containing ephedrine that is not described in Subsection(a)(3) of this section to be labeled in accordance with rules adopted by the Texas Department of Health to indicate that sales to minors are prohibited.

SECTION 2. Effective date: September 1, 1999.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Chapter 481D, Health and Safety Code, by adding Section 481.1365, regarding an offense, and the transfer of product containing ephedrine.