

HEALTH AND SAFETY CODE CHAPTER 468. PROGRAMS AND INITIATIVES TO PREVENT

HEALTH AND SAFETY CODE

TITLE 6. FOOD, DRUGS, ALCOHOL, AND HAZARDOUS SUBSTANCES

SUBTITLE B. ALCOHOL AND SUBSTANCE ABUSE PROGRAMS

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.

Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.

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

Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.

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

(b) A retailer participating in the program shall make reasonable efforts to deter the theft or improper sale of products used in the illicit manufacture of methamphetamine, including

products containing pseudoephedrine, by:

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

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

(3) providing annual personnel training on:

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

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

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

Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.

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

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

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

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

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

Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.

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

(b) An offense under this section is a Class C misdemeanor.
Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.

SUBCHAPTER B. PREVENTION AND EDUCATION PROGRAMS

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

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

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

Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.

Sec. 468.052. EDUCATION REGARDING ANHYDROUS AMMONIA.

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

(1) the use of anhydrous ammonia in the illicit

manufacture of methamphetamine; and

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

(b) In the materials distributed under this section, the Office of the Texas State Chemist shall encourage local law enforcement and community groups to cooperate in deterring the theft of anhydrous ammonia.

Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.

SUBCHAPTER C. DRUG-ENDANGERED

CHILD INITIATIVE

Sec. 468.101. DEFINITIONS. In this subchapter:

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

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

Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.

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

Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.

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

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

Added by Acts 2005, 79th Leg., Ch. 283, Sec. 1, eff. June 15, 2005.