

## **BILL ANALYSIS**

Senate Research Center

S.B. 1666  
By: Hancock  
Natural Resources & Economic Development  
6/3/2015  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

To curtail the illegal manufacturing of controlled substances, Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, requires a person who sells, transfers, or otherwise furnishes chemical laboratory apparatus, such as beakers and flasks, to keep detailed and accurate records of all transactions related to the apparatus. For chemical manufacturing companies legally engaged in commercial chemical manufacturing activities, this includes stringent recordkeeping for a significant number of apparatus.

To reduce redundant measures and requirements, S.B. 1666 excepts certain chemical manufacturers who are engaged in legal chemical manufacturing activities in a high security environment from burdensome recordkeeping and reporting requirements. To qualify for the exception, a manufacturer must operate a secure, restricted location with a plant that is not open to the public and to which entry is constantly monitored by security personnel. The manufacturer must hold either a Voluntary Protection Program certification by the Occupational Safety & Health Administration (OSHA) or a Facility Operations Area authorization under the Texas Risk Reduction Program.

Should a qualifying manufacturer fail to meet and maintain any of the standards as set out in S.B. 1666, it would again be subject to the recordkeeping and reporting requirements of the Texas Controlled Substances Act.

S.B. 1666 amends current law relating to excepting manufacturers engaged in certain commercial research and development from certain provisions of the Texas Controlled Substances Act.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 481.080, Health and Safety Code, by adding Subsection (d-1), as follows:

(d-1) Provides that this section does not apply to a chemical manufacturer engaged in commercial research and development:

- (1) whose primary business is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials;
- (2) that operates a secure, restricted location that contains a physical plant not open to the public, the ingress into which is constantly monitored by security personnel; and
- (3) that holds:

(A) a Voluntary Protection Program Certification under Section (2)(b)(1), Occupational Safety and Health Act of 1970 (29 U.S.C. Section 651 et seq.); or

(B) a Facility Operations Area authorization under the Texas Risk Reduction Program (30 T.A.C. Chapter 350).

SECTION 2. Effective date: upon passage or September 1, 2015.