

BILL ANALYSIS

Senate Research Center

H.B. 139
By: Wise (Cain)
Criminal Justice
4/25/2001
Engrossed

DIGEST AND PURPOSE

Nitrous oxide and ketamine belong to a group of drugs known as dissociative anaesthetics which separate perception from sensation and may lead to dependency and health complications. Although these drugs have legitimate legal uses, both are often abused by teenagers. H.B. 139 adds nitrous oxide to the list of volatile chemicals under the Texas Controlled Substances Act and makes the possession or use of nitrous oxide by a person and the sale or delivery of nitrous oxide to a minor illegal under certain conditions. This bill also adds ketamine to the list of opiates classified under Penalty Group 1 and provides that it is an offense if a person administers or provides ketamine to a victim of an aggravated sexual assault with the intent of facilitating the commission of that offense.

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 481.102, Health and Safety Code, to add ketamine to Penalty Group 1.

SECTION 2. Amends Section 484.002, Health and Safety Code, to redefine “volatile chemicals” to include nitrous oxide.

SECTION 3. Amends Section 484.003, Health and Safety Code, to provide that a person commits an offense if the person performs certain actions with or possesses a substance containing a volatile chemical other than nitrous oxide with the intent to perform certain actions in a certain manner. Provides that a person commits an offense if the person performs certain actions or possesses a substance containing nitrous oxide with the intent to perform certain actions in a manner designed to cause certain results.

SECTION 4. Amends Sections 484.005(a) and (b), Health and Safety Code, to provide that a person commits an offense if the person sells or delivers a substance containing nitrous oxide to a person younger than 18 years of age knowing that the person to whom the substance is sold or delivered intends to perform certain actions with the substance in a certain manner. Provides that it is an affirmative defense to prosecution under this section that the person to whom the substance was sold or delivered exhibited to the defendant an apparently valid Texas driver’s license or an identification card issued by the Department of Public Safety, containing certain information, that purported to establish that the person was 18, rather than 17, years of age or older.

SECTION 5. Amends Section 22.021(a), Penal Code, to make a conforming change.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2001.