

BILL ANALYSIS

Senate Research Center

H.B. 2950
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Business & Commerce
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Engrossed

DIGEST AND PURPOSE

Current law prohibits the sale of abusable glues and aerosol paints and other abusable products that contain specific percentages of volatile chemicals such as toluene, xylene, methyl alcohol, and benzene that are found in gasoline fuel additives, carburetor and fuel injector cleaners, aerosol solvents, thinners, dyes, and acids. Although current law authorizes the Texas Department of Health (TDH) to provide permits to retailers that sell abusable glues and aerosol paints and to inspect those retailers for compliance with relevant law, TDH is not provided the same powers related to retailers that sell other abusable chemicals. The separate standards can create complications for retailers and regulators alike. H.B. 2950 repeals existing law pertaining to volatile chemicals and expands current law related to abusable glues and aerosol paints to include abusable volatile chemicals.

RULEMAKING AUTHORITY

Rulemaking authority is expressly delegated to the Texas Board of Health in SECTION 2 (Sections 485.002, 485.012, and 485.013, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

Amends the Health and Safety Code to repeal current law related to volatile chemicals and to expand law pertaining to abusable glues and paints to include abusable volatile chemicals. The bill requires the Texas Board of Health (board) to adopt rules to administer the provisions of the bill, including the issuance and renewal of a permit to sell abusable volatile chemicals (Sec. 485.012). The bill authorizes the board to adopt rules necessary to comply with any requirements or regulations concerning precautions against inhalation of an abusable volatile chemical established under the Federal Hazardous Substances Act (Sec. 485.002). The bill authorizes the board to establish by rule fees in amounts not to exceed \$25 for the issuance of a permit (Sec. 485.013). The bill requires the comptroller to deposit the amounts received from the permit fees in the state treasury to the credit of the general revenue fund. The money in the account may only be used by the Texas Department of Health (TDH) for purposes related to abusable volatile chemicals as specified in the bill. The bill deletes the requirement that TDH enter into a memorandum of understanding with the Texas Commission on Alcohol and Drug Abuse to implement education and prevention programs (Sec. 485.016). The bill deletes the requirement that the commissioner of health by rule approve and designate and prescribe the proportions of additive materials to be included in abusable glue or aerosol paint (Sec. 485.011). The bill deletes the provision that it is a Class A misdemeanor if a person intentionally manufactures, delivers, or possesses with the intent to manufacture or deliver abusable glue or aerosol paint that does not contain the required additive material. The bill provides that a person commits an offense if the person knowingly, rather than intentionally, knowingly, or recklessly, delivers an abusable volatile chemical to a person younger than 18 years of age and that it is a defense to prosecution if the person making the delivery is not the manufacturer of the chemical and the manufacturer failed to label the chemical as required by law (Sec. 485.032). The bill provides that selling or delivering an abusable volatile chemical is a state jail felony, rather than a third degree felony (Sec. 485.017).

Effective date: September 1, 2001.