

By: Oliverson, Howard, Talarico, Cole,  
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H.B. No. 362

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use, possession, delivery, or manufacture of  
3 testing equipment that identifies the presence of fentanyl,  
4 alpha-methylfentanyl, or any other derivative of fentanyl.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 481.125, Health and Safety Code, is  
7 amended by adding Subsection (j) to read as follows:

8 (j) This section does not apply to a person who uses,  
9 possesses with the intent to use, delivers, possesses with intent  
10 to deliver, or manufactures with intent to deliver testing  
11 equipment that identifies the presence of fentanyl,  
12 alpha-methylfentanyl, or any other derivative of fentanyl.

13 SECTION 2. The change in law made by this Act applies only  
14 to an offense committed on or after the effective date of this Act.  
15 An offense committed before the effective date of this Act is  
16 governed by the law in effect at the time the offense was committed,  
17 and the former law is continued in effect for that purpose. For  
18 purposes of this section, an offense was committed before the  
19 effective date of this Act if any element of the offense occurred  
20 before that date.

21 SECTION 3. This Act takes effect September 1, 2023.