

By: Campos

H.B. No. 1365

A BILL TO BE ENTITLED

AN ACT

relating to equipment used or intended for use in testing or analyzing a controlled substance.

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

SECTION 1. Section 481.002(17), Health and Safety Code, is amended to read as follows:

(17) "Drug paraphernalia" means equipment, a product, or material that is used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, ~~[testing, analyzing,]~~ packaging, repackaging, storing, containing, or concealing a controlled substance in violation of this chapter or in injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. The term includes:

(A) a kit used or intended for use in planting, propagating, cultivating, growing, or harvesting a species of plant that is a controlled substance or from which a controlled substance may be derived;

(B) a material, compound, mixture, preparation, or kit used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(C) an isomerization device used or intended for

1 use in increasing the potency of a species of plant that is a
2 controlled substance;

3 (D) [~~testing equipment used or intended for use~~
4 ~~in identifying or in analyzing the strength, effectiveness, or~~
5 ~~purity of a controlled substance,~~

6 [~~(E)~~] a scale or balance used or intended for use
7 in weighing or measuring a controlled substance;

8 (E) [~~(F)~~] a dilutant or adulterant, such as
9 quinine hydrochloride, mannitol, inositol, nicotinamide, dextrose,
10 lactose, or absorbent, blotter-type material, that is used or
11 intended to be used to increase the amount or weight of or to
12 transfer a controlled substance regardless of whether the dilutant
13 or adulterant diminishes the efficacy of the controlled substance;

14 (F) [~~(G)~~] a separation gin or sifter used or
15 intended for use in removing twigs and seeds from or in otherwise
16 cleaning or refining marihuana;

17 (G) [~~(H)~~] a blender, bowl, container, spoon, or
18 mixing device used or intended for use in compounding a controlled
19 substance;

20 (H) [~~(I)~~] a capsule, balloon, envelope, or other
21 container used or intended for use in packaging small quantities of
22 a controlled substance;

23 (I) [~~(J)~~] a container or other object used or
24 intended for use in storing or concealing a controlled substance;

25 (J) [~~(K)~~] a hypodermic syringe, needle, or other
26 object used or intended for use in parenterally injecting a
27 controlled substance into the human body; and

1 (K) [~~(L)~~] an object used or intended for use in
2 ingesting, inhaling, or otherwise introducing marihuana, cocaine,
3 hashish, or hashish oil into the human body, including:

4 (i) a metal, wooden, acrylic, glass, stone,
5 plastic, or ceramic pipe with or without a screen, permanent
6 screen, hashish head, or punctured metal bowl;

7 (ii) a water pipe;

8 (iii) a carburetion tube or device;

9 (iv) a smoking or carburetion mask;

10 (v) a chamber pipe;

11 (vi) a carburetor pipe;

12 (vii) an electric pipe;

13 (viii) an air-driven pipe;

14 (ix) a chillum;

15 (x) a bong; or

16 (xi) an ice pipe or chiller.

17 SECTION 2. Sections 481.125(a) and (b), Health and Safety
18 Code, are amended to read as follows:

19 (a) A person commits an offense if the person knowingly or
20 intentionally uses or possesses with intent to use drug
21 paraphernalia to plant, propagate, cultivate, grow, harvest,
22 manufacture, compound, convert, produce, process, prepare, [~~test,~~
23 ~~analyze,~~] pack, repack, store, contain, or conceal a controlled
24 substance in violation of this chapter or to inject, ingest,
25 inhale, or otherwise introduce into the human body a controlled
26 substance in violation of this chapter.

27 (b) A person commits an offense if the person knowingly or

1 intentionally delivers, possesses with intent to deliver, or
2 manufactures with intent to deliver drug paraphernalia knowing that
3 the person who receives or who is intended to receive the drug
4 paraphernalia intends that it be used to plant, propagate,
5 cultivate, grow, harvest, manufacture, compound, convert, produce,
6 process, prepare, [~~test, analyze,~~] pack, repack, store, contain, or
7 conceal a controlled substance in violation of this chapter or to
8 inject, ingest, inhale, or otherwise introduce into the human body
9 a controlled substance in violation of this chapter.

10 SECTION 3. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this
12 Act. An offense committed before the effective date of this Act is
13 governed by the law in effect at the time the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 4. This Act takes effect September 1, 2023.