

BILL ANALYSIS

S.B. 910
By: Whitmire
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 77th Legislature, Regular Session, two bills were passed relating to nitrous oxide as a volatile chemical. H.B. 139 amended Chapter 484, Health and Safety Code, Sections 484.002, 484.003, and 484.005, and passed on May 15, 2001. H.B. 2950 contained a complete rewrite of the affected statutes, including a repeal of Chapter 484, Health and Safety Code, and passed on May 21, 2001. Confusion has been created because certain law publications have maintained in their documents the amended version of Chapter 484.

Senate Bill 910 repeals certain obsolete laws defining and regulating nitrous oxide as a volatile chemical. It ends the confusion and properly corrects the intent of H.B. 2950 by repealing Sections 484.002, 484.003 and 484.005, Health and Safety Code, which should not appear in any publication of that code.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 910 repeals the following sections of the Health and Safety Code to conform to the repeal of Chapter 484, Health and Safety Code, by Chapter 1463 (H.B. 2950), Acts of the 77th Legislature, 2001:

Section 484.002 (Volatile Chemicals);
Section 484.003 (Possession and Use; Criminal Penalty); and
Section 484.005 (Delivery to a Minor; Criminal Penalty); as amended by Chapter 459 (H.B. 139), Acts of the 77th Legislature, Regular Session, 2001.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.