

By: Muñoz, Jr.

H.B. No. 2748

A BILL TO BE ENTITLED

AN ACT

relating to warning signs for the sale of nitrous oxide;
authorizing an administrative penalty.

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

SECTION 1. Section 485.017, Health and Safety Code, is
amended to read as follows:

Sec. 485.017. SIGNS. (a) A business establishment that
sells an abusable volatile chemical at retail shall display a
conspicuous sign, in English and Spanish, that states the
following:

It is unlawful for a person to sell or deliver an
abusable volatile chemical to a person under 18 years
of age. Except in limited situations, such an offense
is a state jail felony.

It is also unlawful for a person to abuse a
volatile chemical by inhaling, ingesting, applying,
using, or possessing with intent to inhale, ingest,
apply, or use a volatile chemical in a manner designed
to affect the central nervous system. Such an offense
is a Class B misdemeanor.

(b) A business establishment that sells any form of nitrous
oxide, regardless of whether the nitrous oxide is considered to be
an abusable volatile chemical under this chapter, shall display a
conspicuous sign that warns of the dangers of using nitrous oxide as

1 a recreational drug.

2 (c) The executive commissioner of the Health and Human
3 Services Commission shall adopt rules prescribing the design and
4 content of the sign described by Subsection (b).

5 SECTION 2. Section 485.101, Health and Safety Code, is
6 amended by adding Subsection (a-1) to read as follows:

7 (a-1) The department may impose an administrative penalty
8 on a person who violates Section 485.017(b).

9 SECTION 3. Not later than December 1, 2015, the executive
10 commissioner of the Health and Human Services Commission shall
11 adopt rules prescribing the design and content of the sign required
12 under Section 485.017(b), Health and Safety Code, as added by this
13 Act.

14 SECTION 4. A business establishment is not required to post
15 a sign under Section 485.017(b), Health and Safety Code, as added by
16 this Act, before January 1, 2016.

17 SECTION 5. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2015.