

By: Guillen

H.B. No. 4077

A BILL TO BE ENTITLED

1 AN ACT
2 relating to adding carbon dioxide in compressed canisters to the
3 definition of abusable volatile chemicals; requiring a volatile
4 chemical sales permit to sell carbon dioxide canisters; amending
5 provisions subject to criminal and administrative penalties.

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

7 SECTION 1. Section 485.001(1), Health and Safety Code, is
8 amended to read as follows:

9 (1) "Abusable volatile chemical" means:

10 (A) a chemical, including aerosol paint, that:

11 (i) is packaged in a container subject to
12 the labeling requirements concerning precautions against
13 inhalation established under the Federal Hazardous Substances Act
14 (15 U.S.C. Section 1261 et seq.), as amended, and regulations
15 adopted under that Act and is labeled with the statement of
16 principal hazard on the principal display panel "VAPOR HARMFUL" or
17 other labeling requirement subsequently established under that Act
18 or those regulations;

19 (ii) when inhaled, ingested, or otherwise
20 introduced into a person's body, may:

21 (a) affect the person's central
22 nervous system;

23 (b) create or induce in the person a
24 condition of intoxication, hallucination, or elation; or

1 (c) change, distort, or disturb the
2 person's eyesight, thinking process, balance, or coordination; and

3 (iii) is not:

4 (a) a pesticide subject to Chapter 76,
5 Agriculture Code, or to the Federal Environmental Pesticide Control
6 Act of 1972 (7 U.S.C. Section 136 et seq.), as amended;

7 (b) a food, drug, or cosmetic subject
8 to Chapter 431 or to the Federal Food, Drug, and Cosmetic Act (21
9 U.S.C. Section 301 et seq.), as amended; or

10 (c) a beverage subject to the Federal
11 Alcohol Administration Act (27 U.S.C. Section 201 et seq.), as
12 amended; [~~or~~]

13 (B) nitrous oxide that is not:

14 (i) a pesticide subject to Chapter 76,
15 Agriculture Code, or to the Federal Environmental Pesticide Control
16 Act of 1972 (7 U.S.C. Section 136 et seq.), as amended;

17 (ii) a food, drug, or cosmetic subject to
18 Chapter 431 or to the Federal Food, Drug, and Cosmetic Act (21
19 U.S.C. Section 301 et seq.), as amended; or

20 (iii) a beverage subject to the Federal
21 Alcohol Administration Act (27 U.S.C. Section 201 et seq.), as
22 amended; or

23 (C) carbon dioxide in the form of a compressed
24 gas propellant contained in a cartridge, tank, canister, or
25 cylinder, that is not:

26 (i) a pesticide subject to Chapter 76,
27 Agriculture Code, or to the Federal Environmental Pesticide Control

1 Act of 1972 (7 U.S.C. Section 136 et seq.), as amended;

2 (ii) a food, drug, or cosmetic subject to
3 Chapter 431 or to the Federal Food, Drug, and Cosmetic Act (21
4 U.S.C. Section 301 et seq.), as amended; or

5 (iii) a beverage subject to the Federal
6 Alcohol Administration Act (27 U.S.C. Section 201 et seq.), as
7 amended.

8 SECTION 2. Subchapters C and D, Chapter 485, Health and
9 Safety Code, apply in respect to an act or omission involving carbon
10 dioxide, as added by this Act to the definition of "abusable
11 volatile chemical" in Section 485.001, Health and Safety Code, only
12 if that act or omission occurs on or after January 1, 2016.

13 SECTION 3. This Act takes effect September 1, 2015.