

By: Guillen

H.B. No. 4077

A BILL TO BE ENTITLED

AN ACT

relating to the definition of abusable volatile chemicals.

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

Section 1. Section. [485.001](#), Health and Safety Code, is amended by adding (1)(c) to read as follows:

(1) "Abusable volatile chemical" means:

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

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

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

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

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

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

is not:

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

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

7 (c) a beverage subject to the Federal
8 Alcohol Administration Act (27 U. S.C. Section 201 et seq.), as
9 amended; or

10 (B) nitrous oxide that is not:

11 (i) a pesticide subject to Chapter 76,
12 Agriculture Code, or to U.S.C. Section 136 et seq.), as amended;

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

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

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

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

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

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

4 SECTION 2. This Act takes effect September 1, 2015.