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| BILL ANALYSIS |

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| H.B. 296 |
| By: Muñoz, Jr. |
| Business & Industry |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE**  Interested parties are concerned that certain businesses that sell nitrous oxide do not do enough to deter the recreational use of the substance. H.B. 296 seeks to make a misrepresentation of nitrous oxide's intended purpose or use a deceptive trade act or practice. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **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**  H.B. 296 amends the Business & Commerce Code to expand the definition of "false, misleading, or deceptive acts or practices" under the Deceptive Trade Practices-Consumer Protection Act to include the following activities as they relate to the sale, marketing, packaging, or advertising of nitrous oxide: representing that the nitrous oxide is intended for a purpose or for use other than as a pesticide subject to state law regulating pesticides and herbicides or to the Federal Environmental Pesticide Control Act of 1972; representing that the nitrous oxide is intended for a purpose or for use other than as a food, drug, or cosmetic subject to the Texas Food, Drug, and Cosmetic Act or to the Federal Food, Drug, and Cosmetic Act; or representing that the nitrous oxide is intended for a purpose or for use other than as a beverage subject to the Federal Alcohol Administration Act. |
| **EFFECTIVE DATE**  September 1, 2017. |