

BILL ANALYSIS

H.B. 362
By: Oliverson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Overdose deaths involving fentanyl in Texas have drastically risen in recent years. Texas has been hit especially hard by the crisis due to the flow of fentanyl from across the border, and the state needs a way to combat this crisis and reduce these unnecessary overdoses. Fentanyl testing strips provide an easy, reliable, and low-cost method to aid in this effort, yet the possession of this equipment is currently a crime in our state. H.B. 362 seeks to remove this barrier and allow people to safely test their drugs for fentanyl without the risk of prosecution by declassifying fentanyl testing strips as drug paraphernalia.

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. 362 amends the Health and Safety Code to make Texas Controlled Substances Act provisions regarding the offense of possessing or delivering drug paraphernalia inapplicable to a person who uses, possesses with intent to use, delivers, possesses with intent to deliver, or manufactures with intent to deliver testing equipment that identifies the presence of fentanyl, alpha-methylfentanyl, or any other derivative of fentanyl. The bill applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.