

By: Johnson, Hall

S.B. No. 86

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use, possession, delivery, or manufacture of
3 testing equipment that identifies the presence of fentanyl,
4 alpha-methylfentanyl, or any other derivative or controlled
5 substance analogue of fentanyl.

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

7 SECTION 1. Section 481.125, Health and Safety Code, is
8 amended by adding Subsection (j) to read as follows:

9 (j) This section does not apply to a person who uses,
10 possesses with the intent to use, delivers, possesses with intent
11 to deliver, or manufactures with intent to deliver testing
12 equipment that identifies the presence of fentanyl,
13 alpha-methylfentanyl, or any other derivative or controlled
14 substance analogue of fentanyl.

15 SECTION 2. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect at the time the offense was committed,
19 and the former law is continued in effect for that purpose. For
20 purposes of this section, an offense was committed before the
21 effective date of this Act if any element of the offense occurred
22 before that date.

23 SECTION 3. This Act takes effect September 1, 2023.