

BILL ANALYSIS

Senate Research Center
89R5124 CJD-D

H.B. 166
By: Capriglione (Hancock)
Criminal Justice
5/2/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Fentanyl continues to be a dangerous substance exposed to individuals of every age and population group. It is important to ensure the protection of our state's most vulnerable people—our children, elderly individuals, and disabled individuals. Currently under the Texas Penal Code, it is a crime if someone responsible for the care of a child, an elderly person, or a disabled person recklessly exposes them to methamphetamine.

H.B. 166 seeks to address concerns of the growing fentanyl crisis, particularly its impact on these vulnerable populations, by including fentanyl and its derivatives with these existing protections for methamphetamine.

H.B. 166 amends current law relating to committing the criminal offense of endangering a child, elderly individual, or disabled individual by engaging in certain conduct involving a controlled substance listed in Penalty Group 1-B of the Texas Controlled Substances Act.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.041(c-1), Penal Code, as follows:

(c-1) Provides that, for purposes of Subsection (c) (relating to providing that a person commits an offense if the person engages in conduct that places certain individuals in imminent danger), it is presumed that a person engaged in conduct that places a child, elderly individual, or disabled individual in imminent danger of death, bodily injury, or physical or mental impairment if:

(1) the person manufactured, possessed, or in any way introduced into the body of any person the controlled substance methamphetamine or a controlled substance listed in Penalty Group 1-B, Section 481.1022 (Penalty Group 1-B), Health and Safety Code, in the presence of the child, elderly individual, or disabled individual;

(2) the person's conduct related to the proximity or accessibility of the controlled substance methamphetamine or a controlled substance listed in Penalty Group 1-B, Section 481.1022, Health and Safety Code, to the child, elderly individual, or disabled individual and an analysis of a specimen of the child's or individual's blood, urine, or other bodily substance indicates the presence of methamphetamine or a controlled substance listed in Penalty Group 1-B in the body of the child or individual; or

(3) makes no changes to this subdivision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.