

**BILL ANALYSIS**

C.S.H.B. 1644  
By: Oliverson  
Public Health  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

According to the Department of State Health Services, fentanyl-related overdose deaths in Texas have surged in recent years, with fentanyl involved in approximately 40 percent of the state's drug-related fatalities in 2024. While overdose deaths in Texas fell last year, fentanyl still poses a major risk. According to the DEA, fentanyl is up to 50 times stronger than heroin, and even 2 milligrams can be lethal, while more potent analogs like carfentanil can exacerbate the danger. Furthermore, Xylazine, also known as "tranq," is a veterinary tranquilizer that has been found in some illicit drug supplies. The bill author has informed the committee that people often use xylazine without knowing it when it is added to other drugs such as fentanyl, and since drugs like fentanyl and xylazine are undetectable by sight, and often taken unknowingly, test strips are a critical harm reduction tool. The escalating crisis underscores the urgent need for stronger prevention efforts. C.S.H.B. 1644 seeks to remove the possibility of being prosecuted for criminal offenses for possession, delivery, or manufacturing of these test strips. Removing this barrier to use of testing equipment will allow Texans to safely test their drugs for fentanyl without the risk of prosecution. Texans will be able to detect this deadly drug and thereby reduce their risk of overdose.

**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**

C.S.H.B. 1644 amends the Health and Safety Code to exempt from the application of the offense for possessing or delivering drug paraphernalia under the Texas Controlled Substances Act 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 a substance listed in Penalty Group 1-B under the Controlled Substances Act or xylazine. The bill applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

**EFFECTIVE DATE**

September 1, 2025.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 1644 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and substitute exempt from the application of the offense for possessing or delivering drug paraphernalia under the Texas Controlled Substances Act 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 xylazine or certain other substances, the substitute changes those substances from fentanyl, alpha-methylfentanyl, or any other derivative of fentanyl as in the introduced with a substance listed in Penalty Group 1-B under the Controlled Substances Act.