

## **BILL ANALYSIS**

Senate Research Center  
89R4207 RDR-D

S.B. 666  
By: Hughes  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Galaxy Gas is a company that sells commercial grade nitrous oxide canisters ranging from 0.6 Liters (375 G) to 3.3 Liters (2000 G). These canisters are marketed for culinary purposes, but their flamboyant designs and variety of flavors make them attractive to kids who wish to inhale the gas for a euphoric high. The negative effects of nitrous oxide abuse can lead to a multitude of health defects including nerve damage, heart complications, psychosis, and even death.

S.B. 666 aims to protect kids from this potentially harmful gas by prohibiting the sale of nitrous oxide to anyone under the age of 21. The bill does provide that deliveries may be accepted by individuals who are 18 or older in the interest of preserving the efficiency of businesses that employ individuals under the age of 21. Additionally, the bill includes an affirmative defense to prosecution if nitrous oxide is purchased for a legitimate commercial or culinary purpose.

As proposed, S.B. 666 amends current law relating to the age at which a person may purchase or possess nitrous oxide.

### **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 485.017, Health and Safety Code, as follows:

Sec. 485.017. SIGNS. Requires a business establishment that sells an abusable volatile chemical at retail to display a conspicuous sign, in English and Spanish, that states certain warnings on illegal sales and usage for abusable volatile chemicals, including:

It is unlawful for a person to sell nitrous oxide to a person under 21 years of age. Except in limited situations, such an offense is a state jail felony.

SECTION 2. Amends the heading to Section 485.032, Health and Safety Code, to read as follows:

Sec. 485.032. PROHIBITED DELIVERY OR SALE.

SECTION 3. Amends Section 485.032, Health and Safety Code, by amending Subsections (a) and (c) and adding Subsections (c-1) and (c-2) as follows:

(a) Provides that a person commits an offense if the person knowingly:

- (1) delivers an abusable volatile chemical other than nitrous oxide to a person who is younger than 18 years of age;
- (2) delivers nitrous oxide to a person who is younger than 18 years of age; or
- (3) sells nitrous oxide to a person who is younger than 21 years of age.

(c) Provides that it is an affirmative defense to prosecution under Subsection (a)(1) or (2), rather than this section, that the person to whom the abusable volatile chemical was delivered presented to the actor, rather than defendant, an apparently valid Texas driver's license or an identification certificate, issued by the Department of Public Safety of the State of Texas (DPS) and containing a physical description consistent with the person's appearance, that purported to establish that the person was 18 years of age or older.

(c-1) Provides that it is an affirmative defense to prosecution under Subsection (a)(2) or (3) that the person to whom the nitrous oxide was sold or delivered was using the nitrous oxide in connection with a lawful commercial purpose.

(c-2) Provides that it is an affirmative defense to prosecution under Subsection (a)(3) that the person to whom the nitrous oxide was sold presented to the actor an apparently valid Texas driver's license or an identification certificate, issued by DPS and containing a physical description consistent with the person's appearance, that purported to establish that the person was 21 years of age or older.

SECTION 4. Amends Section 485.035, Health and Safety Code, by amending (a) and adding Subsection (a-1), as follows:

(a) Provides that a person commits an offense if the person sells an abusable volatile chemical, other than nitrous oxide, in violation of Section 485.011 (Permit Required) and the purchaser is 18 years of age or older.

(a-1) Provides that a person commits an offense if the person sells nitrous oxide in violation of Section 485.011 and the purchaser is 21 years of age or older.

SECTION 5. (a) Makes application of Chapter 485, Health and Safety Code, as amended by this Act prospective.

(b) Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

SECTION 6: Effective date: September 1, 2025.