

By: Hughes

S.B. No. 666

A BILL TO BE ENTITLED

AN ACT

relating to the age at which a person may purchase or possess nitrous oxide.

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

SECTION 1. Section 485.017, Health and Safety Code, is amended to read as follows:

Sec. 485.017. SIGNS. A business establishment that sells an abusable volatile chemical at retail shall display a conspicuous sign, in English and Spanish, that states the following:

It is unlawful for a person to sell or deliver an abusable volatile chemical to a person under 18 years of age. Except in limited situations, such an offense is a state jail felony.

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.

It is also unlawful for a person to abuse a volatile chemical by inhaling, ingesting, applying, using, or possessing with intent to inhale, ingest, apply, or use a volatile chemical in a manner designed to affect the central nervous system. Such an offense is a Class B misdemeanor.

SECTION 2. The heading to Section 485.032, Health and Safety Code, is amended to read as follows:

Sec. 485.032. PROHIBITED DELIVERY OR SALE [~~TO A MINOR~~].

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

4 (a) A person commits an offense if the person knowingly:

5 (1) delivers an abusable volatile chemical other than  
6 nitrous oxide to a person who is younger than 18 years of age;

7 (2) delivers nitrous oxide to a person who is younger  
8 than 18 years of age; or

9 (3) sells nitrous oxide to a person who is younger than  
10 21 years of age.

11 (c) It is an affirmative defense to prosecution under  
12 Subsection (a)(1) or (2) [~~this section~~] that:

13 (1) the person making the delivery is an adult having  
14 supervisory responsibility over the person younger than 18 years of  
15 age and:

16 (A) the adult permits the use of the abusable  
17 volatile chemical only under the adult's direct supervision and in  
18 the adult's presence and only for its intended purpose; and

19 (B) the adult removes the chemical from the  
20 person younger than 18 years of age on completion of that use; or

21 (2) the person to whom the abusable volatile chemical  
22 was delivered presented to the actor [~~defendant~~] an apparently  
23 valid Texas driver's license or an identification certificate,  
24 issued by the Department of Public Safety of the State of Texas and  
25 containing a physical description consistent with the person's  
26 appearance, that purported to establish that the person was 18  
27 years of age or older.

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

5       (c-2) It is an affirmative defense to prosecution under  
6 Subsection (a)(3) that the person to whom the nitrous oxide was sold  
7 presented to the actor an apparently valid Texas driver's license  
8 or an identification certificate, issued by the Department of  
9 Public Safety of the State of Texas and containing a physical  
10 description consistent with the person's appearance, that  
11 purported to establish that the person was 21 years of age or older.

12       SECTION 4. Section 485.035, Health and Safety Code, is  
13 amended by amending Subsection (a) and adding Subsection (a-1) to  
14 read as follows:

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

18       (a-1) A person commits an offense if the person sells  
19 nitrous oxide in violation of Section 485.011 and the purchaser is  
20 21 years of age or older.

21       SECTION 5. (a) The changes in law made by this Act to  
22 Chapter 485, Health and Safety Code, apply only to an offense  
23 committed on or after the effective date of this Act. For purposes  
24 of this subsection, an offense is committed before the effective  
25 date of this Act if any element of the offense occurs before that  
26 date.

27       (b) An offense committed before the effective date of this

1 Act is governed by the law in effect on the date the offense was  
2 committed, and the former law is continued in effect for that  
3 purpose.

4 SECTION 6. This Act takes effect September 1, 2025.