

1-1 By: Hughes S.B. No. 666
1-2 (In the Senate - Filed December 19, 2024; February 3, 2025,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 5, 2025, reported favorably by the following vote: Yeas 11,
1-5 Nays 0; March 5, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Hughes	X			
1-9	Paxton	X			
1-10	Bettencourt	X			
1-11	Birdwell	X			
1-12	Hall	X			
1-13	Hinojosa of Nueces	X			
1-14	Middleton	X			
1-15	Parker	X			
1-16	Perry	X			
1-17	Schwertner	X			
1-18	Zaffirini	X			

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the age at which a person may purchase or possess
1-22 nitrous oxide.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 485.017, Health and Safety Code, is
1-25 amended to read as follows:

1-26 Sec. 485.017. SIGNS. A business establishment that sells
1-27 an abusable volatile chemical at retail shall display a conspicuous
1-28 sign, in English and Spanish, that states the following:

1-29 It is unlawful for a person to sell or deliver an
1-30 abusable volatile chemical to a person under 18 years of age.
1-31 Except in limited situations, such an offense is a state jail
1-32 felony.

1-33 It is unlawful for a person to sell nitrous oxide to a
1-34 person under 21 years of age. Except in limited situations, such an
1-35 offense is a state jail felony.

1-36 It is also unlawful for a person to abuse a volatile
1-37 chemical by inhaling, ingesting, applying, using, or possessing
1-38 with intent to inhale, ingest, apply, or use a volatile chemical in
1-39 a manner designed to affect the central nervous system. Such an
1-40 offense is a Class B misdemeanor.

1-41 SECTION 2. The heading to Section 485.032, Health and
1-42 Safety Code, is amended to read as follows:

1-43 Sec. 485.032. PROHIBITED DELIVERY OR SALE ~~[TO A MINOR]~~.

1-44 SECTION 3. Section 485.032, Health and Safety Code, is
1-45 amended by amending Subsections (a) and (c) and adding Subsections
1-46 (c-1) and (c-2) to read as follows:

1-47 (a) A person commits an offense if the person knowingly:

1-48 (1) delivers an abusable volatile chemical other than
1-49 nitrous oxide to a person who is younger than 18 years of age;

1-50 (2) delivers nitrous oxide to a person who is younger
1-51 than 18 years of age; or

1-52 (3) sells nitrous oxide to a person who is younger than
1-53 21 years of age.

1-54 (c) It is an affirmative defense to prosecution under
1-55 Subsection (a)(1) or (2) [this section] that:

1-56 (1) the person making the delivery is an adult having
1-57 supervisory responsibility over the person younger than 18 years of
1-58 age and:

1-59 (A) the adult permits the use of the abusable
1-60 volatile chemical only under the adult's direct supervision and in
1-61 the adult's presence and only for its intended purpose; and

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

(2) the person to whom the abusable volatile chemical was delivered presented to the actor ~~[defendant]~~ an apparently valid Texas driver's license or an identification certificate, issued by the Department of Public Safety of the State of Texas 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) 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) 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 the Department of Public Safety of the State of Texas 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. Section 485.035, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

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

(a-1) 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) The changes in law made by this Act to Chapter 485, Health and Safety Code, apply only to an offense committed on or after the effective date of this Act. For purposes of this subsection, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) 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. This Act takes effect September 1, 2025.

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