

BILL ANALYSIS

H.B. 296
By: Muñoz, Jr.
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties are concerned that certain businesses that sell nitrous oxide do not do enough to deter the recreational use of the substance. H.B. 296 seeks to make a misrepresentation of nitrous oxide's intended purpose or use a deceptive trade act or practice.

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

H.B. 296 amends the Business & Commerce Code to expand the definition of "false, misleading, or deceptive acts or practices" under the Deceptive Trade Practices-Consumer Protection Act to include the following activities as they relate to the sale, marketing, packaging, or advertising of nitrous oxide: representing that the nitrous oxide is intended for a purpose or for use other than as a pesticide subject to state law regulating pesticides and herbicides or to the Federal Environmental Pesticide Control Act of 1972; representing that the nitrous oxide is intended for a purpose or for use other than as a food, drug, or cosmetic subject to the Texas Food, Drug, and Cosmetic Act or to the Federal Food, Drug, and Cosmetic Act; or representing that the nitrous oxide is intended for a purpose or for use other than as a beverage subject to the Federal Alcohol Administration Act.

EFFECTIVE DATE

September 1, 2017.