

BILL ANALYSIS

Senate Research Center
77R329 PEP-D

S.B. 106
By: Cain
Criminal Justice
4/12/2001
As Filed

DIGEST AND PURPOSE

Currently, the chemical compounds nitrous oxide and ketamine are often used by teenagers to reach a state of euphoria. Ketamine is not regulated or classified as a controlled drug, although it is closely related to PCP. Both nitrous oxide and ketamine can lead to severe physical and mental conditions such as amnesia, impaired motor function, potentially fatal respiratory problems, heart failure, and the destruction of brain cells. As proposed, S.B. 106 adds nitrous oxide and ketamine to the list of volatile chemicals and controlled substances, respectively, within the Health and Safety Code. S.B. 106 makes the possession, use, sale, or delivery of nitrous oxide or ketamine to a minor illegal if the drugs were used in a manner other than the product's intended use, or to affect the nervous system, induce intoxication, or other forms of disorientation. S.B. 106 also adds ketamine to the list of enhanced penalties of aggravated offenses if used to commit a sexual assault.

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 481.102, Health and Safety Code, by adding ketamine to the list of controlled substances in Penalty Group 1. Makes nonsubstantive changes.

SECTION 2. Amends Section 484.002, Health and Safety Code, by adding nitrous oxide to the list of volatile chemicals. Makes nonsubstantive changes.

SECTION 3. Amends Section 484.003, Health and Safety Code, by providing that a person commits an offense if the person inhales, ingests, applies, uses, or possesses a substance containing a volatile chemical other than nitrous oxide for certain purposes. Provides that a person commits an offense if the person inhales, ingests, applies, uses, or possesses a substance containing nitrous oxide for certain purposes.

SECTION 4. Amends Sections 484.005(a) and (b), Health and Safety Code, by providing that a person commits an offense if the person sells or delivers a substance containing nitrous oxide to a person younger than 18 years of age knowing that the person to whom the substance is sold or delivered intends to inhale, ingest, apply, or use the substance in a manner that constitutes an offense under Section 484.003. Provides that it is an affirmative defense to prosecution under this section that the person who received the substance exhibited to the defendant a valid Texas driver's license or an identification card issued by the Department of Public Safety that establishes the person's appearance and age to be at least 18, rather than 17, years of age. Makes nonsubstantive changes.

SECTION 5. Makes conforming and nonsubstantive changes.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2001.