

CHAPTER 596

H.B. No. 1929

An Act relating to the offenses of possession or use of an abusable glue, aerosol paint, or substance containing a volatile chemical.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 3, Chapter 323, Acts of the 68th Legislature, Regular Session, 1983 (Article 4476-13a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. POSSESSION AND USE. (a) A person commits an offense if the person [:

~~(1) inhales, ingests, applies, [or] uses, [a substance containing a volatile chemical] or possesses a substance containing a volatile chemical with the intent to inhale, ingest, apply, or use the substance in a manner designed to affect the actor's central nervous system, or to create or induce a condition of intoxication, euphoria, hallucination, or elation, or to change, distort, or disturb the actor's eyesight, thinking process, balance, or coordination and in a manner contrary to directions for use, cautions, or warnings appearing on a label of a container of the substance [;~~

~~and~~
~~(2) acts in the manner described in Subdivision (1) of this subsection with intent to affect the actor's central nervous system; to create or induce a condition of intoxication; euphoria; hallucination; or elation; or to change, distort, or disturb the actor's eyesight, thinking process, balance; or coordination].~~

(b) An offense under this section is a Class B [C] misdemeanor.

SECTION 2. Section 4.13, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), is amended by adding Subsections (j) and (k) to read as follows:

(j) *A person commits an offense if the person inhales, ingests, applies, uses, or possesses an abusable glue or aerosol paint with intent to inhale, ingest, apply, or use the glue or paint in a manner designed to affect the actor's central nervous system, to create or induce a condition of intoxication, euphoria, hallucination, or elation, or to change, distort, or disturb the actor's eyesight, thinking process, balance, or coordination and in a manner contrary to directions for use, cautions, or warnings appearing on a label of a container of abusable glue or aerosol paint.*

(k) *An offense under Subsection (j) of this section is a Class B misdemeanor.*

SECTION 3. (a) The change in law made by this Act applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. This Act takes effect September 1, 1985.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 24, 1985, by the following vote: Yeas 147, Nays 1, 1 present, not voting; passed by the Senate on May 27, 1985, by a viva-voce vote.

Approved: June 13, 1985

Effective: September 1, 1985