

CHAPTER 581

S.B. No. 415

An Act relating to the offense of selling or delivering a substance containing a volatile chemical to a person younger than 17 years of age and to an affirmative defense; amending Subsections (a) and (b), Section 4, Chapter 323, Acts of the 68th Legislature, Regular Session, 1983 (Article 4476-13a, Vernon's Texas Civil Statutes).

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

SECTION 1. Subsections (a) and (b), Section 4, Chapter 323, Acts of the 68th Legislature, Regular Session, 1983 (Article 4476-13a, Vernon's Texas Civil Statutes), are amended to read as follows:

“(a) Except as provided by Subsection (d) of this section, a person commits an offense if the person intentionally or knowingly sells or delivers a substance containing a volatile chemical to a person under 17 years of age and the *substance* [~~volatile chemical~~] is subject to special labeling requirements concerning precautions against inhalation established pursuant to the Federal Hazardous Substances Act, 15 U.S.C. 1261, et seq., as that law existed on January 1, 1985 [1983], and to the federal regulations promulgated pursuant to that Act (16 CFR 1500.14) and in effect on that date.

“(b) It is an affirmative defense to prosecution under this section that the person to whom the substance was delivered or sold exhibited to the defendant an *apparently valid Texas driver's license or an identification card issued by the Texas Department of Public Safety, containing a physical description consistent with the person's appearance, that purported* [~~a draft card, driver's license, birth certificate, or other official or apparently official document purporting~~] to establish that the person was an individual 17 years of age or older.”

SECTION 2. (a) The change in law made by this Act applies only to 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 3. This Act takes effect September 1, 1985.

SECTION 4. 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 the Senate on March 5, 1985, by a viva-voce vote; Senate concurred in House amendment on May 25, 1985, by a viva-voce vote; passed the House, with amendment, on May 24, 1985, by a non-record vote.

Approved: June 13, 1985

Effective: September 1, 1985