

2024 Regular Session

HOUSE BILL NO. 64

BY REPRESENTATIVES STAGNI AND VILLIO

DRUGS/CONTROLLED: Prohibits the retail sale of nitrous oxide

1 AN ACT

2 To amend and reenact R.S. 40:989, relative to dangerous chemical substances; to provide
3 relative to the elements of unlawful inhalation, ingestion, use, or possession of
4 certain substances; to provide for an exception; to provide for penalties; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:989 is hereby amended and reenacted to read as follows:

8 §989. Dangerous chemical substances; butyl nitrite, nitrous oxide, and amyl nitrite;
9 use and transference; penalties

10 A.(1) It shall be unlawful for any person to inhale, ingest, use, or possess any
11 compound, liquid, gas, or chemical which contains butyl nitrite, isobutyl nitrite,
12 secondary butyl nitrite, tertiary butyl nitrite, and mixtures containing butyl nitrite,
13 isobutyl nitrite, secondary butyl nitrite, or tertiary butyl nitrite.

14 (2) It shall be unlawful for any person to inhale, ingest, use, or possess any
15 compound, liquid, gas, or chemical which contains nitrous oxide, commonly known
16 as "laughing gas" and any amyl nitrite, commonly known as "poppers" or "snappers".

17 ~~(3)~~(B) The provisions ~~hereof~~ of Subsection A of this Section shall not
18 apply to any of the following:

1 (a) ~~the~~ The possession and use of these substances prescribed as part of the
2 care or treatment of a disease, condition, or injury by a licensed medical or dental
3 practitioner.

4 (b) ~~or to the~~ The possession and use of these substances by a manufacturer
5 as part of a manufacturing process or industrial operation.

6 ~~(4)(c)~~ (c) The provisions of this Section do not apply to the possession, use, or
7 sale of nitrous oxide as a propellant in food preparation for restaurant, food service,
8 or houseware products.

9 ~~B.C.~~ C. It shall be unlawful for any person to possess, buy, sell, or otherwise
10 transfer any substance specified in Subsection A of this Section ~~for the purpose of~~
11 ~~inducing or aiding any other person to inhale or ingest such substance~~ or otherwise
12 violate the provisions of Subsection A.

13 ~~C.D.~~ D. Whoever violates the provisions of this Section shall be fined not more
14 than two thousand five hundred dollars or imprisoned for not more than ~~six months~~
15 one year, or both.

16 ~~D.E.~~ E. Any person who violates any of the provisions of this Section may, in
17 the discretion of the trial judge, be required to participate in an approved drug
18 rehabilitation program, as a condition of probation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 64 Original

2024 Regular Session

Stagni

Abstract: Prohibits the retail sale of nitrous oxide.

Present law provides that it is unlawful for any person to inhale, ingest, use, or possess any compound, liquid, or chemical which contains butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl nitrite, or tertiary butyl nitrite, nitrous oxide, commonly known as "laughing gas" or any amyl nitrite, commonly known as "poppers" or "snappers".

Proposed law retains present law and provides that is it also unlawful for any person to inhale, ingest, use, or possess any gas which contains the substances provided in present law.

Present law provides that it is not unlawful to possess or use present law substances as part of a manufacturing process or industrial operation.

Proposed law amends present law to clarify that the use of present law substances as part of a manufacturing process or industrial operation may only be by the manufacturer.

Present law provides that it is unlawful for any person to possess, buy, sell, or otherwise transfer any substance specified in present law for the purpose of inducing or aiding any other person to inhale or ingest such substance or otherwise violate present law.

Proposed law amends present law to remove the condition that, in order to be unlawful, the sale or transfer of any substance specified in present law be for the purpose of inducing or aiding any other person to inhale or ingest such substance.

Present law provides that whoever violates present law shall be fined not more than \$500 or imprisoned for not more than six months, or both.

Proposed law changes the penalty from a fine of not more than \$500 to a fine of not more than \$2,500. Further changes the imprisonment term from not more than six months to not more than one year.

Proposed law retains present law relative to the imposition of both a fine and imprisonment as a penalty.

(Amends R.S. 40:989)