

RÉSUMÉ DIGEST

ACT 106 (SB 98)

2025 Regular Session

Myers

Existing law provides that it is unlawful for any person to inhale, ingest, use, or possess any compound, liquid, or chemical containing 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".

Existing law provides for exceptions in which the prohibited substances can be possessed and used, including any of the following:

- (1) As part of the care or treatment of a disease, condition, or injury administered by a licensed medical or dental practitioner.
- (2) By a manufacturer as part of a manufacturing process or industrial operation.
- (3) Nitrous oxide when used as a propellant either in food preparation, for restaurant or food service, or in houseware products.
- (4) Nitrous oxide when used for automotive purposes.

New law provides that existing law exceptions to the possession and use of the prohibited substances only apply to persons who are at least 21 years of age. New law also changes the exceptions from allowing the possession, use, or sale of nitrous oxide when used as a propellant in houseware products to the possession, use, or sale of any houseware products by a person who is at least 21 years of age.

New law otherwise retains existing law.

New law provides that the presence of additional flavoring in the prohibited substances or labeling on any part of a container of the prohibited substances referring to the contents being flavored creates a rebuttable presumption against the exceptions provided in new law.

Existing law prohibits any person, entity, business, or corporation from producing, manufacturing, possessing, buying, selling, or otherwise transferring any prohibited substance specified by existing law.

New law provides that online retailers are also prohibited from producing, manufacturing, possessing, buying, selling, or otherwise transferring any prohibited substance specified by existing law.

New law increases the penalty for producing, manufacturing, possessing, buying, selling, or otherwise transferring any substance prohibited by existing law from a fine not to exceed \$2,500, imprisonment not to exceed one year, with or without hard labor, or both to a fine not to exceed \$25,000, imprisonment not to exceed one year, with or without hard labor, or both. New law also provides that an offender who possesses a certificate, permit, or license issued by the commissioner of alcohol and tobacco control will have the certificate, permit, or license suspended for 30 days upon the first violation and revoked upon a second violation.

Effective August 1, 2025.

(Amends R.S. 40:989)