

1 "snappers".

2 B. The provisions of Subsection A of this Section shall not apply to any of
3 the following:

4 (1) The possession and use of these substances prescribed as part of the care
5 or treatment of a disease, condition, or injury by a licensed medical or dental
6 practitioner **who is at least twenty-one years of age.**

7 (2) The possession and use of these substances ~~by a manufacturer~~ as part of
8 a manufacturing process or industrial operation **by a manufacturer or a person**
9 **who is at least twenty-one years of age and employed by the manufacturer.**

10 (3) The possession, use, or sale of nitrous oxide as a propellant in food
11 preparation for restaurant, food service, or houseware products **by a person at least**
12 **twenty-one years of age.**

13 (4) The possession, use, or sale of nitrous oxide for automotive purposes **by**
14 **a person at least twenty-one years of age.**

15 C. **The presence of additional flavoring in a substance or labeling on any**
16 **part of a container of the substance referring to the contents being flavored**
17 **shall create a rebuttable presumption against the exceptions described in**
18 **Subsection B of this Section.**

19 **D.** It shall be unlawful for any person, entity, business, or corporation to
20 produce, manufacture, possess, buy, sell, or otherwise transfer any substance
21 specified in Subsection A of this Section or otherwise violate the provisions of
22 Subsection A of this Section.

23 ~~D.E.(1)~~ Whoever violates the provisions of **Subsection A of** this Section
24 shall be fined not more than two thousand five hundred dollars or imprisoned with
25 or without hard labor for not more than one year, or both.

26 **(2)(a) Whoever violates the provisions of Subsection D of this Section**
27 **shall be fined not more than twenty-five thousand dollars or imprisoned with**
28 **or without hard labor for not more than one year, or both.**

29 **(b) Any person, entity, business, or corporation that violates the**

1 provisions of Subsection D of this Section and possesses a certificate, permit, or
 2 license issued by the commissioner of alcohol and tobacco control in the
 3 Department of Revenue shall have its certificate, permit, or license suspended
 4 for thirty days upon the first violation. The certificate, permit, or license shall
 5 be revoked upon a second violation.

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

9 ~~F.G.~~(1) The office of alcohol and tobacco control may conduct any
 10 investigation as necessary to regulate and enforce the provisions of this Section.

11 (2) The provisions of this Subsection shall not prohibit a law enforcement
 12 agency of the state or its political subdivisions with appropriate jurisdiction from
 13 enforcing the provisions of this Section.

14 ~~G.H.~~ The office of alcohol and tobacco control shall promulgate rules and
 15 regulations in accordance with the Administrative Procedure Act to provide for the
 16 regulation and enforcement of this Section.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Senate Legislative Services.
 The keyword, summary, 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)]

	DIGEST	
SB 98 Original	2025 Regular Session	Myers

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".

Present 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 in food preparation for restaurant, food service, or houseware products.

(4) Nitrous oxide when used for automotive purposes.

Proposed law retains present law but further limits the possession or use of the prohibited substances to persons at least 21 years of age.

Proposed law provides that the presence of additional flavoring in the prohibited substance or labeling on any part of a container of the prohibited substance referring to the contents being flavored creates a rebuttable presumption against the exceptions described in present law.

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

Present law provides that violators who possess or use any prohibited substance specified by present law be fined not more than \$2,500 or imprisoned with or without hard labor for not more than one year, or both.

Proposed law provides that violators who produce, manufacture, possess, buy, sell, or otherwise transfer any prohibited substance specified by present law be fined not more than \$25,000 or imprisoned with or without hard labor for not more than one year, or both.

Proposed law requires that if violators who produce, manufacture, possess, buy, sell, or otherwise transfer any prohibited substance specified by present law also possess a certificate, permit, or license issued by the commissioner of alcohol and tobacco control, then its certificate, permit, or license be suspended for 30 days upon the first violation, with the certificate, permit, or license being revoked upon a second violation.

Effective August 1, 2025.

(Amends R.S. 40:989)