

## RÉSUMÉ DIGEST

ACT 248 (HB 64)

2024 Regular Session

Stagni

Existing 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".

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

Prior law provided that it was not unlawful to possess or use existing law substances as part of a manufacturing process or industrial operation.

New law clarifies that the use of existing law substances as part of a manufacturing process or industrial operation may only be by the manufacturer.

New law provides that the possession, use, or sale of nitrous oxide for automotive purposes shall not be a violation of existing law.

Prior law provided that it was unlawful for any person, entity, business, or corporation to produce, manufacture, possess, buy, sell, or otherwise transfer any substance specified in existing law for the purpose of inducing or aiding any other person to inhale or ingest such substance or otherwise violate existing law.

New law removes the condition that, in order to be unlawful, the sale or transfer of any substance specified in existing law be for the purpose of inducing or aiding any other person to inhale or ingest such substance.

Prior law provided a fine of not more than \$500 or imprisonment for not more than six months, or both for whoever violated existing law.

New 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 with or without hard labor.

New law retains existing law relative to the imposition of both a fine and imprisonment as a penalty.

New law provides that the office of alcohol and tobacco control may conduct any investigation as necessary to regulate and enforce the provisions of existing law.

New law shall not prohibit a law enforcement agency of the state or its political subdivisions with appropriate jurisdiction from enforcing the provisions of existing law.

New law requires the office of alcohol and tobacco control to promulgate rules and regulations in accordance with the Administrative Procedure Act to provide for the regulation and enforcement of existing law.

Effective August 1, 2024.

(Amends R.S. 40:989)