

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 98

2025 Regular Session

Myers

## KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CONTROL DANGER SUBSTANCE. Increases the penalties for the retail sale of nitrous oxide. (8/1/25)

## SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Make technical changes.
2. Remove the proposed law age limit for nitrous oxide used in restaurants or for food preparation.
3. Provide an age limit for the possession use or sale of houseware products.

## DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

## DIGEST

SB 98 Reengrossed

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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 in a restaurant or in food service.
- (4) The possession, use, or sale of houseware products by a person at least 21 years of age.
- (5) 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, including online retailers, 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)