
DIGEST

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HB 64 Reengrossed

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 it is 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.

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

Present law provides that it is unlawful for any person, entity, business, or corporation to produce, manufacture, 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 with or without hard labor.

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

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

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

Proposed 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 present law.

(Amends R.S. 40:989)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Provide that the possession, use, or sale of nitrous oxide for automotive purposes is not an unlawful use of nitrous oxide.
3. Add that production or manufacture of any substance specified in present law shall constitute a violation of present law.
4. Expand the list of prohibited actors to include an entity, business, or corporation.
5. Permit the office of alcohol and tobacco control to conduct any investigation as necessary to regulate and enforce the provisions of present law.
6. Clarify that a law enforcement agency of the state or its political subdivisions with appropriate jurisdiction is not prohibited from enforcing the provisions of present law.
7. Require 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 present law.
8. Clarify that the term of imprisonment is with or without hard labor.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.