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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)]

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DIGEST

SB 98 Reengrossed

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 by a person at least 21 years of age.
- (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, 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)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Specify that proposed law will apply to online retailers.

##### Senate Floor Amendments to engrossed bill

1. Make technical changes.