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SYNOPSIS:

This bill would prohibit the possession, use, or sale of butyl nitrite or any mixtures containing butyl nitrite, commonly known as "whippets," except under certain circumstances.

This bill would prohibit the possession, use, or sale of nitrous oxide, commonly known as "laughing gas," and amyl nitrite, commonly known as "poppers" or "snappers," except under certain circumstances.

This bill would also provide penalties for any violations of the prohibition.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to prohibit the possession, use, or sale of certain inhalants and other chemical compounds, including butyl nitrite, nitrous oxide, or amyl nitrite, except under certain circumstances; and to provide penalties for any violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A person commits the crime of unlawful possession of inhalants if he or she does either of the



29 following:

30 (1) Inhales, ingests, uses, or possesses any compound,
31 liquid, gas, or chemical which contains butyl nitrite,
32 isobutyl nitrite, secondary butyl nitrite, tertiary butyl
33 nitrite, or any mixtures containing butyl nitrite, isobutyl
34 nitrite, secondary butyl nitrite, or tertiary butyl nitrite.

35 (2) Inhales, ingests, uses, or possesses any compound,
36 liquid, gas, or chemical which contains nitrous oxide,
37 commonly known as "laughing gas," or any amyl nitrite,
38 commonly known as "poppers" or "snappers."

39 (b) Unlawful possession of inhalants is a Class A
40 misdemeanor.

41 (c) Subsection (a) shall not apply to any of the
42 following:

43 (1) The possession or use of the substances by a
44 licensed hospital, as defined in Section 22-21-20, Code of
45 Alabama 1975, or other health care facility, as defined in
46 Section 22-21-311, Code of Alabama 1975, or a licensed medical
47 or dental practitioner, for the purposes of the lawful
48 prescription, order, or administration to a patient, and the
49 possession or use of the substances by a patient pursuant to a
50 lawful prescription, order, or administration.

51 (2) The possession or use of the substances by a
52 manufacturer as part of a manufacturing process or industrial
53 operation by a person at least 21 years of age.

54 (3) The possession or use of nitrous oxide as a
55 propellant in food preparation for restaurant, food service,
56 or houseware products by a person at least 21 years of age.



57 (4) The possession or use of nitrous oxide for
58 automotive purposes by a person at least 21 years of age.

59 (d) The presence of additional flavoring in a substance
60 or labeling on any part of a container of a substance
61 referring to the substance being flavored shall create a
62 rebuttable presumption against the exceptions listed in
63 subsection (c).

64 Section 2. (a) A person commits the crime of unlawful
65 sale of inhalants if he or she does either of the following:

66 (1) Produces, manufactures, sells, offers for sale, or
67 otherwise transfers any compound, liquid, gas, or chemical
68 which contains butyl nitrite, isobutyl nitrite, secondary
69 butyl nitrite, tertiary butyl nitrite, or any mixtures
70 containing butyl nitrite, isobutyl nitrite, secondary butyl
71 nitrite, or tertiary butyl nitrite.

72 (2) Produces, manufactures, sells, offers for sale, or
73 otherwise transfers any compound, liquid, gas, or chemical
74 which contains nitrous oxide, commonly known as "laughing
75 gas," or any amyl nitrite, commonly known as "poppers" or
76 "snappers."

77 (b) Unlawful sale of inhalants is a Class D felony.

78 (c) Subsection (a) shall not apply to any of the
79 following:

80 (1) The production, manufacture, purchase, sale, or
81 transfer of the substances by a licensed hospital, as defined
82 in Section 22-21-20, Code of Alabama 1975, or other health
83 care facility, as defined in Section 22-21-311, Code of
84 Alabama 1975, or a licensed medical or dental practitioner,



85 for the purposes of the lawful prescription, order, or
86 administration to a patient.

87 (2) The production, manufacture, purchase, sale, or
88 transfer of the substances by a manufacturer as part of a
89 manufacturing process or industrial operation by a person at
90 least 21 years of age.

91 (3) The production, manufacture, purchase, sale, or
92 transfer of nitrous oxide as a propellant in food preparation
93 for restaurant, food service, or houseware products by a
94 person at least 21 years of age.

95 (4) The production, manufacture, purchase, sale, or
96 transfer of nitrous oxide for automotive purposes by a person
97 at least 21 years of age.

98 (d) The presence of additional flavoring in a substance
99 or labeling on any part of a container of a substance
100 referring to the substance being flavored shall create a
101 rebuttable presumption against the exceptions listed in
102 subsection (c).

103 Section 3. This act shall become effective on October
104 1, 2025.