

SB78 ENROLLED



1 SB78
2 I3X2CWZ-2
3 By Senators Weaver, Bell, Livingston, Gudger, Barfoot
4 RFD: County and Municipal Government
5 First Read: 04-Feb-25



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1 Enrolled, An Act,

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

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 (1) Inhales, ingests, uses, or possesses any compound,
14 liquid, gas, or chemical which contains butyl nitrite,
15 isobutyl nitrite, secondary butyl nitrite, tertiary butyl
16 nitrite, or any mixtures containing butyl nitrite, isobutyl
17 nitrite, secondary butyl nitrite, or tertiary butyl nitrite.

18 (2) Inhales, ingests, uses, or possesses any compound,
19 liquid, gas, or chemical which contains nitrous oxide,
20 commonly known as "laughing gas," or any amyl nitrite,
21 commonly known as "poppers" or "snappers."

22 (b) Unlawful possession of inhalants is a Class A
23 misdemeanor.

24 (c) Subsection (a) shall not apply to any of the
25 following:

26 (1) The possession or use of the substances by a
27 licensed hospital, as defined in Section 22-21-20, Code of
28 Alabama 1975, or other health care facility, as defined in



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29 Section 22-21-311, Code of Alabama 1975, or a licensed medical
30 or dental practitioner, for the purposes of the lawful
31 prescription, order, or administration to a patient, and the
32 possession or use of the substances by a patient pursuant to a
33 lawful prescription, order, or administration.

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

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

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

42 (d) The presence of additional flavoring in a substance
43 or labeling on any part of a container of a substance
44 referring to the substance being flavored shall create a
45 rebuttable presumption against the exceptions listed in
46 subsection (c).

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

49 (1) Produces, manufactures, sells, offers for sale, or
50 otherwise transfers any compound, liquid, gas, or chemical
51 which contains butyl nitrite, isobutyl nitrite, secondary
52 butyl nitrite, tertiary butyl nitrite, or any mixtures
53 containing butyl nitrite, isobutyl nitrite, secondary butyl
54 nitrite, or tertiary butyl nitrite.

55 (2) Produces, manufactures, sells, offers for sale, or
56 otherwise transfers any compound, liquid, gas, or chemical



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57 which contains nitrous oxide, commonly known as "laughing
58 gas," or any amyl nitrite, commonly known as "poppers" or
59 "snappers."

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

61 (c) Subsection (a) shall not apply to any of the
62 following:

63 (1) The production, manufacture, purchase, sale, or
64 transfer of the substances by a licensed hospital, as defined
65 in Section 22-21-20, Code of Alabama 1975, or other health
66 care facility, as defined in Section 22-21-311, Code of
67 Alabama 1975, or a licensed medical or dental practitioner,
68 for the purposes of the lawful prescription, order, or
69 administration to a patient.

70 (2) The production, manufacture, purchase, sale, or
71 transfer of the substances by a manufacturer as part of a
72 manufacturing process or industrial operation by a person at
73 least 21 years of age.

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

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

81 (d) The presence of additional flavoring in a substance
82 or labeling on any part of a container of a substance
83 referring to the substance being flavored shall create a
84 rebuttable presumption against the exceptions listed in



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85 subsection (c).

86 Section 3. This act shall become effective on October

87 1, 2025.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 06-Feb-25

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 19-Mar-25

Senate concurred in House amendment 19-Mar-25

By: Senator Weaver