# 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



1 Enrolled, An Act,

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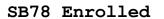
- 4 Relating to crimes and offenses; to prohibit the
- 5 possession, use, or sale of certain inhalants and other
- 6 chemical compounds, including butyl nitrite, nitrous oxide, or
- 7 amyl nitrite, except under certain circumstances; and to
- 8 provide penalties for any violation.
- 9 BE IT ENACTED BY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



- 29 Section 22-21-311, Code of Alabama 1975, or a licensed medical
- 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
- 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,
- 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
- 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
- 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
- otherwise transfers any compound, liquid, gas, or chemical



- 57 which contains nitrous oxide, commonly known as "laughing
- gas," or any amyl nitrite, commonly known as "poppers" or
- snappers."
- (b) Unlawful sale of inhalants is a Class D felony.
- (c) Subsection (a) shall not apply to any of the
- 62 following:
- (1) The production, manufacture, purchase, sale, or
- transfer of the substances by a licensed hospital, as defined
- 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





- 85 subsection (c).
- Section 3. This act shall become effective on October
- 87 1, 2025.



President and Presiding Officer of the Senate Speaker of the House of Representatives SB78 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-25 125 By: Senator Weaver