

HB 3030 B STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 05/25/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 4-0-1-0

Yeas: 4 - Dembrow, Linthicum, Manning Jr, Prozanski

Exc: 1 - Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Prohibits business that makes retail sales of nitrous oxide canisters from which an individual may directly inhale nitrous oxide, or employee of business, from selling or delivering a canister to individual under age 18. Makes offense Class A violation for first offense. Subsequent offense is Class C Misdemeanor. Creates exception.

ISSUES DISCUSSED:

- Nitrous oxide is not considered a controlled substance under federal law
- Use of nitrous oxide for intoxication is considered Unlawful Possession of Inhalants
- Locations where the canisters can be purchased, such as tobacco stores, and cost to purchase
- Application of law to persons in culinary school

EFFECT OF AMENDMENT:

Amends prohibition to those under age 18. Reduces first offense to Class A violation. Makes subsequent offense Class C misdemeanor.

BACKGROUND:

Dentists routinely use nitrous oxide for its pain-numbing effects. It is also used for medical purposes for the same reason. A commonly abused form of nitrous oxide is found in small, pressurized food-preparation containers called “whip-its.” These are commonly used in products such as whipped cream dispensers. Abusers place the whip-it in a “cracker” (a type of valve device), place a balloon on one end of the cracker and turn it until the whip-it pops. The nitrous oxide can create an intense but brief high. A blast of nitrous oxide from a balloon can, within eight to 10 seconds, cause dizziness, giddiness, disorientation and, occasionally, visual hallucinations. Unlawful Possession of Inhalants includes the use of nitrous oxide to induce intoxication. This offense is a Class C violation for the first violation and a Class B misdemeanor for a subsequent offense.

House Bill 3030-B prohibits businesses and their employees from selling nitrous oxide canisters from which a person can directly inhale nitrous oxide to anyone under age 18. A violation of this offense is a Class A violation. A subsequent conviction for this offense is a Class C Misdemeanor. HB 3030-B provides an exception to this offense if the business or employee checks certain pieces of identification for proof of age.