

SB 1032 -3, -4 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 3/27, 4/8

WHAT THE MEASURE DOES:

The measure defines "aerosol duster" and "1,1-Difluoroethane" or "DFE." The measure prohibits an entity that makes retail sales of aerosol dusters that contain DFE from selling them to a person who is under age 21. Requires an entity selling an aerosol duster that contains DFE to a person to require the person to produce proof of identification in order to verify that the person is at least age 21. The measure requires an entity that makes retail sales of aerosol dusters that contain DFE to maintain their inventory in a location that is not publicly accessible and prohibits them from selling more than three aerosol dusters containing DFE to a person in a single transaction or selling them through a same-day pick-up or delivery service. The measure requires a specified warning label on aerosol dusters that contain DFE. Makes violation a Class C misdemeanor and provides an affirmative defense. Applies to retail sales of aerosol dusters that contain DFE on or after January 1, 2026. Labeling requirements for aerosol dusters containing DFE apply to aerosol dusters manufactured on or after January 1, 2026.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

- Similar law in Minnesota
- Addiction and medical problems associated with misuse of aerosol dusters containing DFE
- Appropriate age a person should be able to purchase this product
- Existing labeling requirements
- Regulation of other potentially intoxicating substances
- Exemption to offense

EFFECT OF AMENDMENT:

-3 The amendment reduces the age from under age 21 to under age 18 for the prohibition on the retail sales of aerosol dusters that contain DFE. The amendment raises the prohibition on the retail selling or delivering of aerosol dusters containing DFE to an individual in a single transaction from no more than three to four. The amendment modifies the specified warning labeling requirements for aerosol dusters that contain DFE. Modifies exception to requirements that entity selling aerosol dusters containing DFE verify individual's age, limitation on amount of aerosol dusters containing DFE that may be sold in a single transaction, and prohibition on retail sales of aerosol dusters containing DFE through a same-day pick-up or delivery service. Makes conforming amendments.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: No revenue impact

-4 The amendment reduces the age from under age 21 to under age 18 for the prohibition on the retail sales of aerosol dusters that contain DFE. The amendment permits an entity that makes retail sales of aerosol dusters that contain DFE to deliver or sell them through an order pick-up or delivery system if they ensure that the individual who receives the aerosol duster is at least age 18. The amendment modifies the specified warning labeling requirements for aerosol dusters that contain DFE. Modifies exception to requirements related to age verification

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and limitation on amount of aerosol dusters containing DFE that may be sold in a single transaction. Makes technical amendment.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: No revenue impact

BACKGROUND:

According to an article published in the Federal Practitioner, titled Difluoroethane Inhalant Abuse, Skeletal Fluorosis, and Withdrawal, Difluoroethane (DFE) is a substance that can be inhaled recreationally and is easily acquired. The article indicates that this substance is found in many household items, such as compressed air dusters and refrigerants. DFE acts as a central nervous system depressant that can result in a brief sensation of euphoria when inhaled. The article concludes that prolonged or excessive use of DFE can be toxic, and abrupt cessation may cause withdrawal.

Senate bill 1032 prohibits an entity that makes retail sales of aerosol dusters that contain DFE from selling them to a person who is under age 21.