

By Senator Bronson

18-427-00

1                                   A bill to be entitled  
2           An act relating to nitrous oxide; amending s.  
3           877.111, F.S.; providing that it is a  
4           third-degree felony to distribute, sell,  
5           purchase, or possess more than a specified  
6           amount of nitrous oxide; allowing the use of  
7           nitrous oxide for specified purposes; providing  
8           that a person who discharges, or who aids  
9           another in discharging, nitrous oxide for  
10          subsequent inhalation has knowledge that such  
11          nitrous oxide is for unlawful use; providing an  
12          effective date.

14 Be It Enacted by the Legislature of the State of Florida:

16           Section 1. Section 877.111, Florida Statutes, is  
17 amended to read:

18           877.111 Inhalation, ingestion, possession, sale,  
19 purchase, or transfer of harmful chemical substances;  
20 penalties.--

21           (1) It is unlawful for any person to inhale or ingest,  
22 or to possess with intent to breathe, inhale, or drink, any  
23 compound, liquid, or chemical containing toluol, hexane,  
24 trichloroethylene, acetone, toluene, ethyl acetate, methyl  
25 ethyl ketone, trichloroethane, isopropanol, methyl isobutyl  
26 ketone, ethylene glycol monomethyl ether acetate,  
27 cyclohexanone, nitrous oxide, diethyl ether, alkyl nitrites  
28 (butyl nitrite), or any similar substance for the purpose of  
29 inducing a condition of intoxication or which distorts or  
30 disturbs the auditory, visual, or mental processes. This  
31 section does not apply to the possession and use of these

1 substances as part of the care or treatment of a disease or  
2 injury by a practitioner licensed under chapter 458, chapter  
3 459, chapter 464, or chapter 466 or to beverages controlled by  
4 the provisions of chapter 561, chapter 562, chapter 563,  
5 chapter 564, or chapter 565.

6 (2) It is unlawful for any person to possess, buy,  
7 sell, or otherwise transfer any chemical substance specified  
8 in subsection (1) for the purpose of inducing or aiding any  
9 other person to violate the provisions of subsection (1).

10 (3) Any person who violates subsection (1) or  
11 subsection (2) commits ~~any of the provisions of this section~~  
12 ~~shall upon conviction be guilty of a misdemeanor of the second~~  
13 degree, punishable as provided in s. 775.082 or s. 775.083.

14 (4)(a) Any person who knowingly distributes, sells,  
15 purchases, transfers, or possesses more than 16 grams of  
16 nitrous oxide for any use other than:

17 1. As part of the care or treatment of a disease or  
18 injury by a practitioner licensed under chapter 458, chapter  
19 459, or chapter 464;

20 2. As a food-processing propellant;

21 3. As a semiconductor oxidizer;

22 4. As an analytical chemistry oxidizer in atomic  
23 absorption spectrometry;

24 5. In the production of chemicals used to inflate  
25 airbags;

26 6. As an oxidizer for chemical production, combustion,  
27 or jet propulsion; or

28 7. When mixed with not less than 100 parts per million  
29 of sulfur dioxide;

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1 commits the offense of unlawfully distributing nitrous oxide,  
2 a felony of the third degree, punishable as provided in s.  
3 775.082 or s. 775.083.

4 (b) For purposes of this subsection, in addition to  
5 proving by any other means that nitrous oxide was knowingly  
6 possessed, distributed, sold, purchased, or transferred for a  
7 purpose not specified in subparagraphs (a)1. through 7., any  
8 person who discharges, or who aids another in discharging,  
9 nitrous oxide to inflate a balloon or other object suitable  
10 for subsequent inhalation shall be deemed to have knowledge  
11 that the nitrous oxide's use is for a purpose not specified in  
12 subparagraphs (a)1. through 7.

13 (5)(4) Any person who violates any of the provisions  
14 of this section may, in the discretion of the trial judge, be  
15 required to participate in a substance abuse services program  
16 approved or regulated by the Department of Children and Family  
17 Services pursuant to the provisions of chapter 397, provided  
18 the director of the program approves the placement of the  
19 defendant in the program. Such required participation may be  
20 imposed in addition to, or in lieu of, any penalty or  
21 probation otherwise prescribed by law. However, the total time  
22 of such penalty, probation, and program participation shall  
23 not exceed the maximum length of sentence possible for the  
24 offense.

25 Section 2. This act shall take effect July 1, 2000.  
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SENATE SUMMARY

Provides that the distribution, sale, purchase, or possession of more than 16 grams of nitrous oxide is a third-degree felony. Specifies various lawful uses of nitrous oxide. Provides that a person who discharges, or who aids another in discharging, nitrous oxide for subsequent inhalation has knowledge that the nitrous oxide is to be used for an unlawful purpose.