

1                   A bill to be entitled  
2           An act relating to nitrous oxide; amending s.  
3           877.111, F.S.; prohibiting the unlawful  
4           distribution of nitrous oxide; providing a  
5           third degree felony penalty for violation;  
6           providing an effective date.

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

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10           Section 1. Section 877.111, Florida Statutes, is  
11   amended to read:

12           877.111 Inhalation, ingestion, possession, sale,  
13   purchase, or transfer of harmful chemical substances;  
14   penalties.--

15           (1) It is unlawful for any person to inhale or ingest,  
16   or to possess with intent to breathe, inhale, or drink, any  
17   compound, liquid, or chemical containing toluol, hexane,  
18   trichloroethylene, acetone, toluene, ethyl acetate, methyl  
19   ethyl ketone, trichloroethane, isopropanol, methyl isobutyl  
20   ketone, ethylene glycol monomethyl ether acetate,  
21   cyclohexanone, nitrous oxide, diethyl ether, alkyl nitrites  
22   (butyl nitrite), or any similar substance for the purpose of  
23   inducing a condition of intoxication or which distorts or  
24   disturbs the auditory, visual, or mental processes. This  
25   section does not apply to the possession and use of these  
26   substances as part of the care or treatment of a disease or  
27   injury by a practitioner licensed under chapter 458, chapter  
28   459, chapter 464, or chapter 466 or to beverages controlled by  
29   the provisions of chapter 561, chapter 562, chapter 563,  
30   chapter 564, or chapter 565.

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

5           (3) Except as provided in subsection (4) with respect  
6 to nitrous oxide, any person who violates subsection (1) or  
7 subsection (2) commits any of the provisions of this section  
8 ~~shall upon conviction be guilty of a misdemeanor of the second~~  
9 degree, punishable as provided in s. 775.082 or s. 775.083.

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

13           (a) As part of the care or treatment of a disease or  
14 injury by a practitioner licensed under chapter 458, chapter  
15 459, chapter 464, chapter 466, or chapter 474;

16           (b) As a food processing propellant;

17           (c) As a semiconductor oxidizer;

18           (d) As an analytical chemistry oxidizer in atomic  
19 absorption spectrometry;

20           (e) In the production of chemicals used to inflate  
21 airbags;

22           (f) As an oxidizer for chemical production, combustion  
23 or jet propulsion; or

24           (g) When mixed with not less than 100 parts per  
25 million of sulfur dioxide

26  
27 commits a felony of the third degree which shall be known as  
28 unlawful distribution of nitrous oxide, punishable as provided  
29 in s. 775.082, s. 775.083, or s. 775.084. For purposes of  
30 this subsection, in addition to proving by any other means  
31 that nitrous oxide was knowingly possessed, distributed, sold,

1 purchased, or transferred for any purpose not specified in  
2 paragraphs (a)-(g), proof that any person discharged, or aided  
3 another in discharging, nitrous oxide to inflate a balloon or  
4 any other object suitable for subsequent inhalation creates an  
5 inference of the person's knowledge that the nitrous oxide's  
6 use was for a purpose other than those provided in paragraphs  
7 (a)-(g).

8 (5)~~(4)~~ Any person who violates any of the provisions  
9 of this section may, in the discretion of the trial judge, be  
10 required to participate in a substance abuse services program  
11 approved or regulated by the Department of Children and Family  
12 Services pursuant to the provisions of chapter 397, provided  
13 the director of the program approves the placement of the  
14 defendant in the program. Such required participation may be  
15 imposed in addition to, or in lieu of, any penalty or  
16 probation otherwise prescribed by law. However, the total time  
17 of such penalty, probation, and program participation shall  
18 not exceed the maximum length of sentence possible for the  
19 offense.

20 Section 2. This act shall take effect July 1, 2000.  
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