

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

INHALANTS: SUMMARY OF STATE LAWS

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INHALANTS: SUMMARY OF STATE LAWS

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SUMMARY

Inhalants are substances that “produce intoxicating chemical vapors that people inhale.”¹ These substances are often found in products that are legal to purchase and use and include common household items like glue, cleaning fluid, spray paint, magic markers, and cooking spray.² According to the National Institute on Drug Abuse (NIDA), there are four categories of inhalants: (1) volatile solvents which include paint thinner, correction fluid, gasoline, felt-tip markers, nail polish remover, and rubber cement (used for things like crafting, model building, and erasable pens);³ (2) aerosols which include paint, deodorant, hair products, cooking sprays, and fabric protectors;⁴ (3) gases which include nitrous oxide, ether, and chloroform;⁵ and (4) nitrites which include cyclohexyl nitrite (used in room deodorizers), amyl nitrite (sold in capsules and legitimately used to treat angina), and butyl nitrite, commonly sold in small bottles and called “poppers.”⁶

Inhalants produce vapors that can be inhaled, either directly from open containers or by soaking rags in the substance and then “huffing” the rags.⁷ Additionally, users spray aerosols directly into their noses or mouths or onto the user’s shirt collar, sleeve, or cuffs to sniff over a period of time.⁸ Finally, users spray substances into a paper or plastic bag, balloons, or other devices known as “snappers” and “poppers” and inhale the fumes.⁹ Depending on the substance, inhalants can “produce effects similar to alcohol, sedatives, or the early stages of anesthesia.”¹⁰ Substances can also cause a short feeling of being high or a feeling of light-headedness, distorted vision, or disorganized thinking.¹¹

Risks of long-term inhalant use include weight loss, muscle weakness, disorientation, irritability, and depression, while chronic use may cause “serious and sometimes irreversible damage to the user’s heart, liver, kidneys, lungs, and brain.”¹² Long-term use is also “strongly associated with prevalence of personality, mood, and anxiety disorders, including major depression.”¹³ Further, as with licit and illicit controlled substances, a single use can result in death – “sudden sniffing death (SSD) may result within minutes of inhalant abuse from irregular heart rhythm leading to heart failure.”¹⁴ Other side effects of inhalant use include nausea, vomiting, slurred speech, and drowsiness.¹⁵ Finally, the deleterious effects associated with inhalant use during pregnancy include cleft palate, hearing loss, and developmental delays in the

¹ *Inhalants*, NAT’L INST. ON DRUG ABUSE (Sept. 2024), <https://nida.nih.gov/research-topics/inhalants>.

² *Id.*

³ *Inhalants Fast Facts*, NAT’L DRUG INTEL. CTR. (June 2003), <https://www.justice.gov/archive/ndic/pubs4/4770/index.htm#illegal>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* “Huffing” is a slang term for inhaling toxic fumes.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Supra*, note 1.

¹¹ *Id.*

¹² *Supra*, note 4.

¹³ *Supra*, note 1.

¹⁴ *Supra*, note 4.

¹⁵ *Supra*, note 1.

child.¹⁶ Individuals who use inhalants regularly can experience withdrawal symptoms when they stop use.¹⁷

According to the most recent survey on drug use conducted by the Substance Abuse and Mental Health Services Administration, nearly 32 million people aged 12 and older reported using inhalants at least once in their lifetime.¹⁸ The majority of those individuals – 14.5 million – reported using nitrous oxide, also known as “whippits,” while amyl nitrite, “poppers,” locker room odorizers, or “rush”¹⁹ accounted for 10 million respondents.²⁰ Other inhalants reported as being abused include correction fluid, degreaser, or cleaning fluid; gasoline or lighter fluid; anesthetics; lacquer thinner and other paint solvents; spray paints; and computer cleaner/air dusters.²¹

According to NIDA, adolescents are most likely to use inhalants.²² Inhalants appeal to young people because they are easy to find, appear to be safe, work quickly, and are used in social media “challenges,” where inhalants are portrayed as fun to use.²³ Eighteen states prohibit the sale of certain products, primarily glue and items containing nitrous oxide, to anyone under a certain age (typically 18, although Illinois prohibits sales to children under the age of 17; New Jersey prohibits sales to individuals under the age of 19; and Louisiana, Minnesota, New York, and Wisconsin prohibit sales to individuals under the age of 21).

The Partnership to End Addiction (Partnership) provides a list of warning signs of which parents should be aware if they suspect their child is using inhalants.²⁴ These include: (1) a chemical smell on their breath or clothing; (2) spots or sores around their mouth; (3) paint stains on hands, face, or clothing; (4) appearing intoxicated without the smell of alcohol; and (5) sudden mood swings.²⁵ The Partnership also recommends that parents look for empty spray cans or bottles, missing household products, and rags or clothing that smell like chemicals.²⁶

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Key Substance Use and Mental Health Indicators in the United States: Results from the 2024 National Survey on Drug Use and Health*, U.S. DEP’T OF HEALTH AND HUM. SERVS., SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., Table 1.108A (July 2025), [Key Substance Use and Mental Health Indicators in the United States: Results from the 2024 National Survey on Drug Use and Health](#).

¹⁹ “Rush” is a slang term for amyl nitrites.

²⁰ *Supra*, note 18.

²¹ *Id.*

²² *Supra*, note 1.

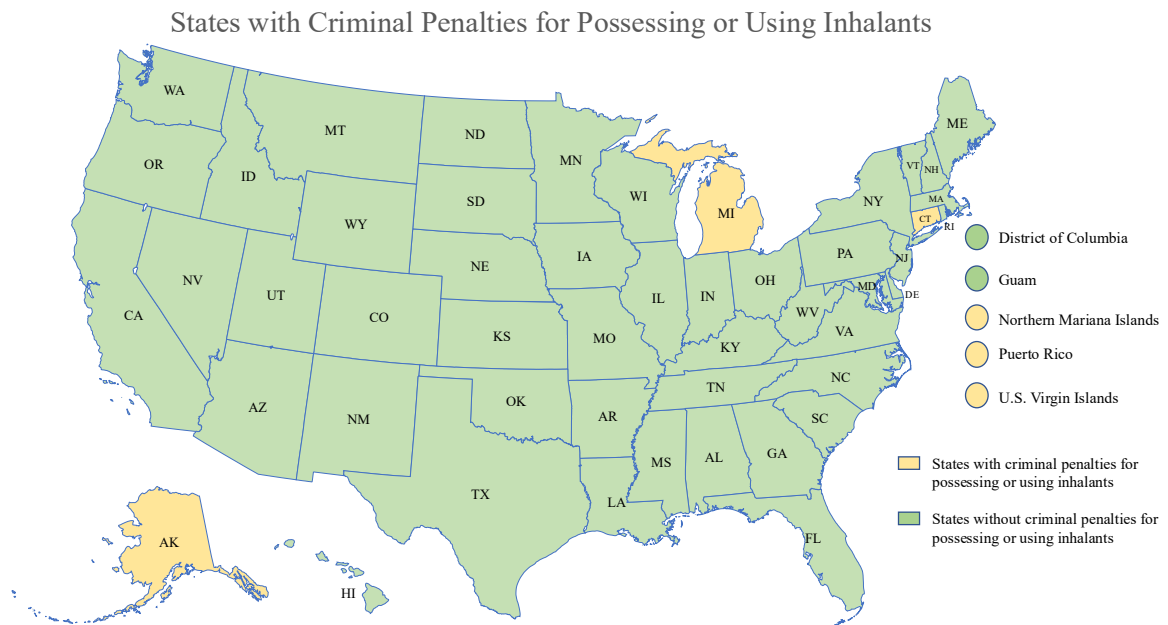
²³ Pat Aussem, *Huffing & Dusting: Signs of Inhalant Misuse Parents Should Know*, PARTNERSHIP TO END ADDICTION (July 2025), [Huffing & Dusting: Signs of Inhalant Misuse Parents Should Know - Partnership to End Addiction](#).

²⁴ *Id.*

²⁵ *Id.*

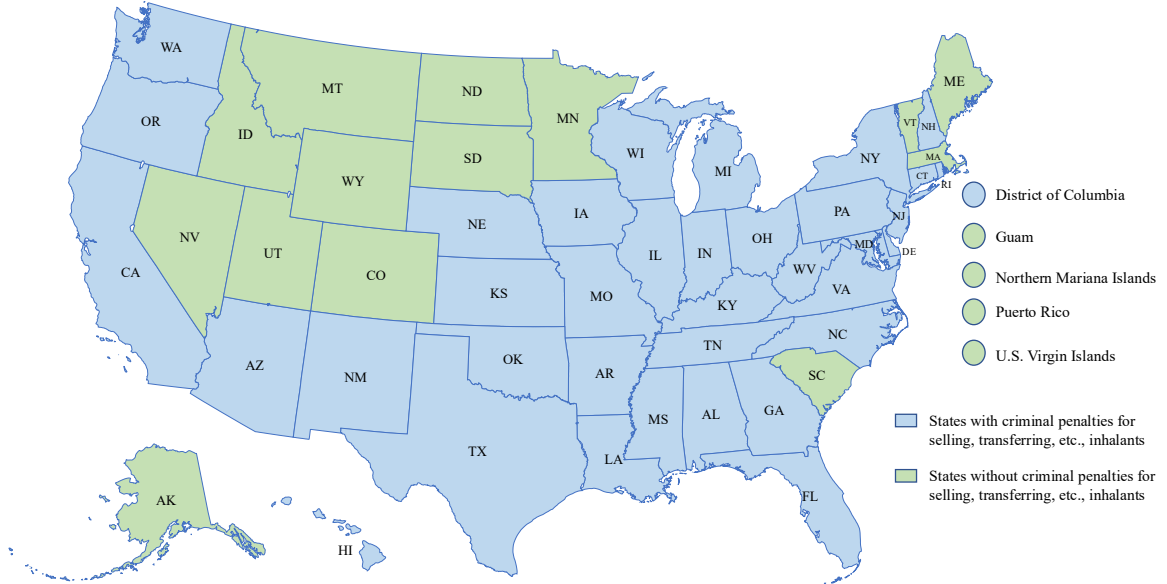
²⁶ *Id.*

In most cases, the statutes listed in this document regulate specific chemical substances and “volatile solvents” rather than specific products (*e.g.*, states that restrict the use of nitrous oxide rather than restricting the sale of whipped cream dispensers). Forty-seven states, the District of Columbia, and Guam criminalize the possession and/or use of inhalants with penalties ranging from low-level misdemeanors to low-level felonies, usually for repeat violations.

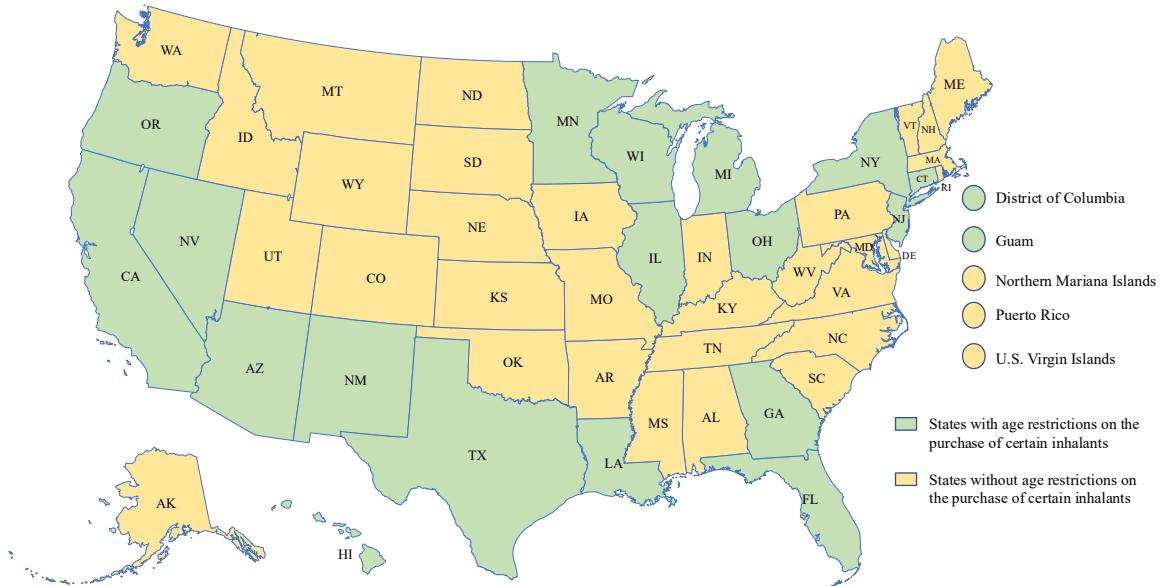


Another 36 states and the District of Columbia criminalize the sale, purchase, transfer, or distribution of certain inhalants. In most cases, these statutes are related to the sale, transfer, or distribution of inhalants when the person selling, transferring, or distributing the substance knew or should have known that the individual was going to use the substance for the purpose of inducing a condition of intoxication, inebriation, exhilaration, stupefaction, or lethargy, or for the purpose of dulling the brain or nervous system; or for selling, transferring, or distributing the substance to minors (people under a specified age). In addition to the age-related criminal penalties, 18 states, the District of Columbia, and Guam have statutes that restrict the purchase of certain substances (primarily nitrous oxide) by individuals under the age of 17 (Illinois); 18 (Arizona, California, Connecticut, D.C., Florida, Georgia, Guam, Hawaii, Michigan, Nevada, New Mexico, Ohio (for harmful intoxicants), Oregon, and Texas); 19 (New Jersey); or 21 (Louisiana, Minnesota, New York, Ohio (for nitrous oxide), and Wisconsin). (Maps on next page.)

States with Criminal Penalties for Selling, Transferring, etc., Inhalants

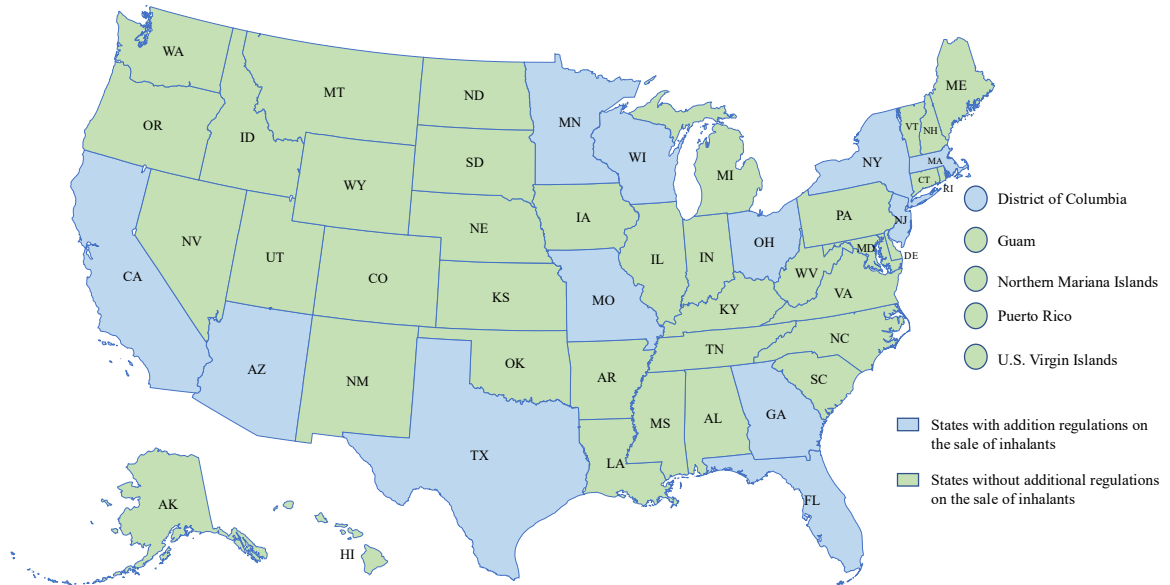


States with Age Restrictions on Purchases of Certain Inhalants



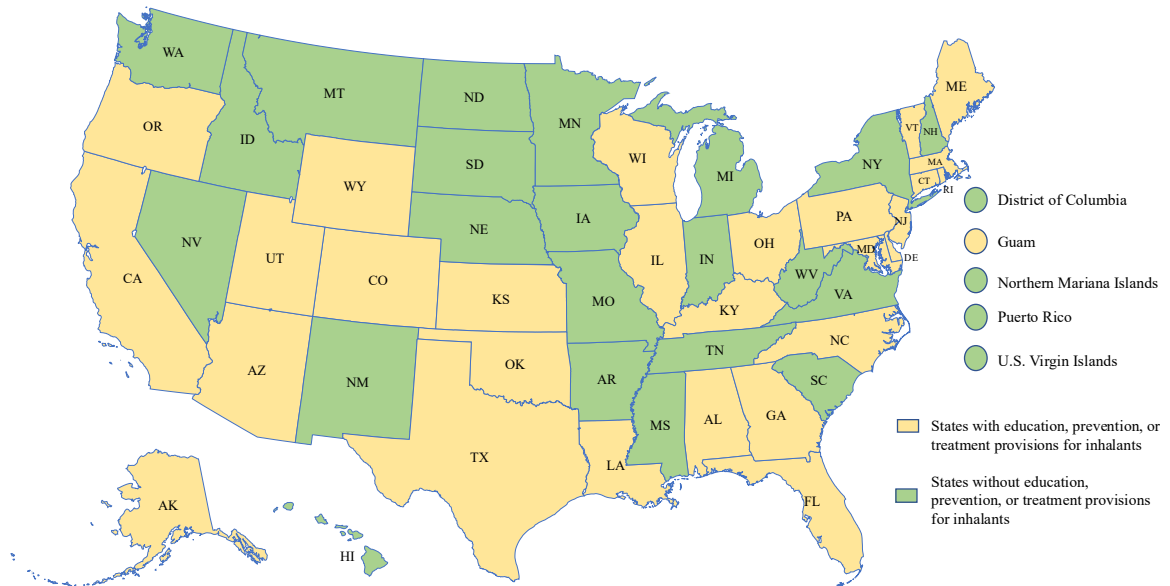
Twelve states, the federal government, and the District of Columbia place additional regulations or restrictions on the sale or purchase of certain inhalants. These provisions generally require that sellers maintain a log of purchases that is to be kept for a specified period of time and open for inspection by federal or state officials.

States with Additional Regulations on the Sale of Inhalants



Finally, 28 states, the federal government, and Guam include specific education, prevention, or treatment provisions related to inhalants.

States with Education, Prevention, or Treatment Provisions for Inhalants



In this document, the Legislative Analysis and Public Policy Association (LAPPA) examines federal and state-level legislative and administrative responses to the public health risk posed by inhalants. Starting on page 9, LAPPA provides jurisdiction-by-jurisdiction tables describing aspects of each law or regulation in effect as of March 2026, including:

- Statutory and regulatory citations for inhalants;
- Criminal provisions related to the possession, use, sale, transfer, or distribution of inhalants;
- Specific provisions related to any restrictions on the sale of inhalants, including age restrictions and record-keeping requirements;
- Any provisions related to education, prevention, and treatment of inhalant use; and
- Recently (within the six months prior to the latest document update) proposed federal and state legislation.

LAPPA designed this document to: (1) provide a single resource for each jurisdiction’s laws; (2) allow for comparison of the laws between jurisdictions; and (3) identify and highlight any interesting or novel provisions. Please note that the information contained in the profile for each jurisdiction uses the terms (*e.g.*, “abuse”) used in the language of the state statute or regulation cited.²⁷

²⁷ The information included in this document represents LAPPA’s best effort to provide a comprehensive picture of the laws related to inhalants in the United States; however, some provisions may have been overlooked due to the ways in which the substances involved in inhalant use are regulated. If you believe that this document contains misinformation, omissions, or errors, please email LAPPA at info@thelappa.org.

<u>FEDERAL</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • 15 U.S.C.A. §§ 2057 to 2057b (West 2025) (included within “Consumer Product Safety”) • 21 U.S.C.A. § 1523 (West 2025) (definitions) • 25 U.S.C.A. § 1603 (West 2025) (definitions) • 25 U.S.C.A. §§ 1665, 1665a, and 1665g (West 2025) (included within “Behavioral Health Programs”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • August 13, 1981 (§ 2057) • November 18, 1988 (§ 2057a) • November 29, 1990 (§ 2057b) • March 23, 2010 (§§ 1603, 1665, 1665a, and 1665g) • October 24, 2018 (§ 1523)
Criminal provisions related to inhalants	None
Restrictions on sales	<p>15, § 2057 (banned hazardous products) provides that whenever the commissioner finds that a consumer product is being, or will be, distributed in commerce and such consumer product presents an unreasonable risk of injury and no feasible consumer product safety standard under this chapter would adequately protect the public from the unreasonable risk of injury associated with such product, the commission may promulgate a rule declaring such product a banned hazardous product.</p> <p>15, § 2057a (banning of butyl nitrite) provides that, except as otherwise provided, butyl nitrite shall be considered a banned hazardous product under § 2057. It also provides that it shall not be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States butyl nitrite for any commercial purpose or any other purpose approved under the federal Food, Drug, and Cosmetic Act.</p> <p>For purposes of this section, “butyl nitrite” includes n-butyl nitrite, isobutyl nitrite, secondary and tertiary butyl nitrite, and mixtures containing these chemicals. “Commercial purpose” means any commercial purpose other than for the production of consumer products containing butyl nitrite that may be used for inhaling or otherwise introducing butyl nitrite into the human body for euphoric or physical effects.</p> <p>15, § 2057b (banning of isopropal (sic.) nitrite and other nitrites) provides that, except as otherwise provided by law, volatile alkyl nitrite shall be considered a banned hazardous product under § 2057. It provides that, for purposes of § 2057, it is not unlawful for any person to manufacture for sale, offer</p>

<u>FEDERAL</u>	
Restrictions on sales, cont'd	<p>for sale, distribute in commerce, or import into the United States volatile alkyl nitrites for any commercial purpose or any other purpose approved under the federal Food, Drug, and Cosmetic Act. For purposes of this section, the term “commercial purpose” means any commercial purpose other than for the production of consumer products containing volatile alkyl nitrites that may be used for inhaling or otherwise introducing volatile alkyl nitrites into the human body for euphoric or physical effects.</p>
Prevention, treatment, education provisions related to inhalants	<p>21, § 1523 sets forth the definitions related to drug-free communities provisions. It defines “substance use and misuse” to include the misuse of inhalants or over-the-counter drugs.</p> <p>25, § 1603 (definitions) provides that “behavioral health” means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health disorders prevention and treatment for the purpose of providing comprehensive services. It includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach. It also provides that “substance abuse” includes inhalant abuse.</p> <p>25, § 1665 (definitions) provides that “substance abuse” includes inhalant abuse, making the provisions of this chapter (related to behavioral health programs under the Indian Health Services) applicable to inhalant use.</p> <p>25, § 1665a (behavioral health prevention and treatment services) provides that the secretary of Health and Human Services, acting through the service, shall provide, to the extent feasible and if funding is available, programs including, but not limited to, behavioral health services for Indians from birth through age 17, including, among other things, mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco), and prevention of alcohol, drug, inhalant, and tobacco use. The secretary shall also provide behavioral health services for Indians from age 18 through 55 and for Indians 56 years of age and older including, among other things, mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services.</p> <p>25, § 1665g (Indian youth program) requires the secretary, acting through the service, to develop and implement a program</p>

<u>FEDERAL</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	for acute detoxification and treatment for Indian youths, including behavioral health services. In addition to other requirements, this section requires the secretary to provide, consistent with § 1665a, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>ALABAMA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ALA. CODE §§ 13A-12-360 and 13A-12-361 (2026) (collectively “Inhalants and Other Chemical Compounds”) • ALA. CODE §§ 45-41-83 to 45-41-83.23 (2026) (collectively “District Attorney”) • ALA. ADMIN. CODE r. 580-9-47-.01 to 580-9-47-.06 (2025) (collectively “Prevention Standards”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 2009 (§§ 45-41-83 to 45-41-83.23) • September 14, 2025 (580-9-47-.01 to 580-9-47-.06) • October 1, 2025 (§§ 13A-12-360 and 13A-12-361)
Criminal provisions related to inhalants	<p>§ 13A-12-360 (unlawful possession of inhalants) provides that a person commits the crime of unlawful possession of inhalants if he or she: (1) inhales, ingests, uses, or possesses any compound, liquid, gas, or chemical that contains certain listed substances including, but not limited to, butyl nitrite, isobutyl nitrite, secondary or tertiary butyl nitrite, or any mixtures containing those substances; or (2) inhales, ingests, uses, or possesses any compound, liquid, gas, or chemical that contains nitrous oxide or amyl nitrite. Unlawful possession is a Class A misdemeanor.</p> <p>This section does not apply to the possession or use of:</p> <ol style="list-style-type: none"> (1) The listed substances by a licensed hospital, other healthcare facility, or a licensed medical or dental practitioner for the purposes of the lawful prescription, order, or administration to a patient and the possession or use of the substances by a patient pursuant to such lawful prescription, order, or administration; (2) The listed substances by a manufacturer as part of a manufacturing process or industrial operation by a person at least 21 years of age; (3) Nitrous oxide as a propellant in food preparation for a restaurant, food service, or houseware products by a person at least 21 years of age; or (4) Nitrous oxide for automotive purposes by a person at least 21 years of age. <p>Finally, it provides that the presence of additional flavoring in a substance or labeling on any part of a container of a substance referring to the substance being flavored shall create a rebuttable presumption against any of the exceptions listed in the section.</p>

<u>ALABAMA</u>	
Criminal provisions related to inhalants, cont'd	<p>§ 13A-12-361 (unlawful sale of inhalants) provides that person commits the crime of unlawful sale of inhalants if he or she: (1) produces, manufactures, sells, offers for sale, or otherwise transfers any compound, liquid, gas, or chemical that contains certain listed substances including, but not limited to, butyl nitrite, isobutyl nitrite, secondary or tertiary butyl nitrite, or any mixtures containing those substances; or (2) produces, manufactures, sells, offers for sale, or otherwise transfers any compound, liquid, gas, or chemical that contains nitrous oxide or amyl nitrite. Unlawful sale is a Class D felony.</p> <p>This section contains the same exceptions as § 13A-12-360 for the production, manufacture, purchase, sale, or transfer of the listed substances or nitrous oxide. It also contains the same rebuttable presumption related to additional flavorings.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	<p>§§ 45-41-81 to 45-41-83.23 – drug court and alternative sentencing board provisions that include abuse of legal substances, including inhalants, that makes individuals eligible to participate in the program.</p> <p>580-9-47-.01 to 580-9-47-.06 – rules related to prevention standards for substance abuse. The definition of “substance use” in 580-9-47-.01 includes the use of inhalants.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>ALASKA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ALASKA STAT. ANN. §§ 28.35.028 and 28.35.030 (West 2025) (included within “Offenses Related to Alcohol, Inhalants, and Controlled Substances; Implied Consent”) • ALASKA STAT. ANN. § 43.60.050 (West 2025) (disposition of proceeds; alcohol and other drug abuse treatment and prevention fund) • ALASKA STAT. ANN. §§ 47.37.030, 47.37.040, 47.37.130, 47.37.150, and 47.37.270 (West 2025) (included within “Uniform Alcoholism and Intoxication Treatment Act”) • ALASKA STAT. ANN. § 47.38.010 (West 2025) (cooperation with the Department of Corrections)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1990 (§ 47.37.150) • October 15, 2007 (§§ 47.37.030 and 47.37.040) • July 17, 2014 (§ 47.38.010) • July 12, 2016 (§ 28.35.028) • January 1, 2017 (§ 47.37.130) • July 9, 2019 (§ 28.35.030) • July 1, 2022 (§§ 43.60.050 and 47.37.270)
Criminal provisions related to inhalants	<p>§ 28.35.030 (operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance) provides that a person commits the crime of operating a vehicle while under the influence if the person operates a vehicle while under the influence of an alcoholic beverage, intoxicating liquor, inhalant, or any controlled substance, singly or in combination. A violation of this section is a class A misdemeanor.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	<p>§ 28.35.028 (court-ordered treatment) permits the court, with the consent of the state and the defendant, to proceed in a criminal case under §§ 28.35.030 (see above for description) or 28.35.032 (refusal to submit to chemical test) by ordering the defendant to complete a court-ordered treatment program. It provides that, once the court elects to proceed under this section, the defendant shall enter a no contest or guilty plea, and the court shall enter a judgment of conviction for the offense or offenses. The court may withhold a period of imprisonment or fine to provide an incentive for the defendant to complete the recommended treatment successfully.</p> <p>§ 43.60.050 establishes the alcohol and other drug abuse treatment and prevention fund in the general fund which the legislature may use to make appropriations to the department of health to establish and maintain programs for the prevention</p>

<u>ALASKA</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	<p>and treatment of alcoholism, drug abuse, and misuse of hazardous volatile materials and substances by inhalant abusers.</p> <p>§ 47.37.030 (powers of department) gives the department of health the power to, among other things:</p> <ol style="list-style-type: none"> (1) Plan, establish, and maintain programs for the prevention and treatment of alcoholism, drug abuse, and misuse of hazardous volatile materials and substances by inhalant abusers; and (2) Coordinate its activities and cooperate with alcoholism, drug abuse, and inhalant abuse programs in this and other states, and make contracts and other joint and cooperative agreements with state, local, or private agencies for the treatment of alcoholics, intoxicated individuals, drug abusers, and inhalant abusers, and for the common advancement of alcoholism, drug abuse, and inhalant abuse programs in this and other states. <p>§ 47.37.040 (duties of department) provides that, among its duties, the department of health shall:</p> <ol style="list-style-type: none"> (1) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and drug abuse and treatment of alcoholics, intoxicated individuals, drug abusers, and inhalant abusers in cooperation with public and private agencies, organizations, and individuals, and provide technical assistance and consultation services for these purposes; (2) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated individuals, drug abusers, and inhalant abusers; (3) Cooperate with the Department of Corrections in establishing and conducting treatment programs for individuals on parole from penal institutions; and (4) Cooperate with the Department of Education and Early Development, school boards, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,

<u>ALASKA</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	<p>intoxicated individuals, drug abusers, and inhalant abusers, and preparing curriculum materials for use at all levels of school education.</p> <p>§ 47.37.130 (comprehensive program for treatment; regional facilities) provides that the department of health shall establish a comprehensive and coordinated program for the treatment of alcoholics, intoxicated individuals, drug abusers, and inhalant abusers.</p> <p>§ 47.37.150 (admission for treatment) provides that the department of health shall adopt regulations for the admission of individuals into the treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of alcoholics, intoxicated individuals, drug abusers, and inhalant abusers.</p> <p>§ 47.37.270 (definitions) – definitions include:</p> <ul style="list-style-type: none"> • “Hazardous volatile material or substance,” which means a material or substance that is readily vaporizable at room temperature and whose vapors or gases, when inhaled, pose an immediate threat to the life or health of the person or are likely to have adverse delayed effects on the health of the person. Hazardous volatile materials or substances include, but are not limited to: gasoline; materials and substances containing petroleum distillates; and common household materials and substances whose containers bear a notice warning that inhalation of vapors or gases may cause physical harm; and • “Inhalant abuse,” which means the misuse of a hazardous volatile material or substance by inhaling its vapors. <p>§ 47.38.010 requires the department of health to cooperate with the department of corrections in establishing and conducting programs to provide treatment for alcoholics, intoxicated persons, drug abusers, and inhalant abusers who are on conditions of release or on probation.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>ARIZONA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ARIZ. REV. STAT. ANN. §§ 13-3403 to 13-3403.02 (2025) (included within “Drug Offenses”) • ARIZ. REV. STAT. ANN. § 28-1381 (2025) (driving or actual physical control while under the influence; trial by jury; presumptions; admissible evidence; sentencing; time limitation; violation; classification; definition)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1994 (§ 5-395) • October 1, 1997 (§ 28-1381) • April 18, 2001 (§§ 13-3403.01 and 13-3403.02) • 2010 (§ 13-3403)
Criminal provisions related to inhalants	<p>§ 13-3403 (possession and sale of a vapor-releasing substance containing a toxic substance; regulation of sale; exceptions; classification) provides that a person shall not knowingly:</p> <ol style="list-style-type: none"> (1) Breathe, inhale, or drink a vapor-releasing substance containing a toxic substance; (2) Sell, transfer, or offer to sell or transfer a vapor-releasing substance containing a toxic substance to a person under 18 years of age; or (3) Sell, transfer, or offer to sell or transfer a vapor-releasing substance containing a toxic substance if such person is not, at the time of sale, transfer, or offer, employed by or engaged in operating a licensed commercial establishment at a fixed location regularly offering such substance for sale and such sale, transfer, or offer is made in the course of such employment or operation. <p>A person who violates any provision of this section is guilty of a class 5 felony, but the court may enter judgment of conviction for a class 1 misdemeanor. For purposes of this section, “vapor-releasing substance containing a toxic substance,” means paint or varnish dispensed by the use of aerosol spray, or any glue, that releases vapors or fumes containing one of a list of chemical substances.</p> <p>§ 13-3403.01 (nitrous oxide containers; sale to minors; classification) prohibits a person from knowingly selling, giving, or delivering any container exclusively containing nitrous oxide to a person under 18 years of age unless the person under 18 years of age is delivering or accepting delivery in the person’s capacity as an employee. A violation is a class 5 felony unless the court enters a judgment of conviction for a class 1 misdemeanor or places the person on probation.</p>

<u>ARIZONA</u>	
Criminal provisions related to inhalants, cont'd	<p>§ 13-3403.02 (selling or giving nitrous oxide to underage person; illegally obtaining nitrous oxide containers by underage person; classification; definition) provides that a person who is under 18 years of age and who misrepresents the person's age to any person by means of a written instrument of identification with the intent to induce the person to sell, serve, give, or furnish a nitrous oxide container contrary to § 13-3403.01 (see above) is guilty of a class 1 misdemeanor.</p> <p>A person who is under 18 years of age and solicits another person to purchase, sell, give, serve, or furnish a nitrous oxide container contrary to law is guilty of a class 3 misdemeanor.</p> <p>A person who knowingly influences the selling, giving, or serving of nitrous oxide container to a person under 18 years of age by misrepresenting the age of the person or who orders, requests, receives, or procures a nitrous oxide container from an operator or employee of a commercial establishment with the intent of selling, giving, or serving it to a person under 18 years of age is guilty of a class 1 misdemeanor.</p> <p>§ 28-1381 provides that it is unlawful for a person to drive or be in actual physical control of a vehicle in this state while under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance, or any combination thereof if the person is impaired to the slightest degree. A person who is convicted of a violation of this section is guilty of a class 1 misdemeanor. At the time of sentencing, the judge may suspend all but one day of the sentence if the person completes a drug screening, education, evidence-based psychotherapy, or treatment program.</p>
Restrictions on sales	<p>§ 13-3403 (possession and sale of a vapor-releasing substance containing a toxic substance; regulation of sale; exceptions; classification) provides that it is unlawful to sell a vapor-releasing substance containing a toxic substance to a person under 18 years of age. Additionally, a person making a sale or transfer of a vapor-releasing glue containing a toxic substance shall require identification of the purchaser and must record:</p> <ol style="list-style-type: none"> (1) The name of the glue; (2) The date and hour of delivery; (3) The intended use of the glue; (4) The signature and address of the purchaser; and (5) The signature of the seller or deliverer.

<u>ARIZONA</u>	
Restrictions on sales, cont'd	<p>The operator of a commercial establishment must keep all vapor-releasing glue containing a toxic substance in a place that is unavailable to customers without the assistance of the operator or an employee of the establishment. Additionally, the operator of a commercial establishment selling vapor-releasing paints and varnishes containing a toxic substance dispensed by the use of any aerosol spray device shall conspicuously display an easily legible sign of not less than 11x14 inches which states, "Warning: inhalation of vapors can be dangerous." A violation of these provisions is a class 5 felony, but the court may enter judgment of conviction for a class 1 misdemeanor.</p> <p>§ 13-3403.02 (selling or giving nitrous oxide to underage person; illegally obtaining nitrous oxide containers by underage person; classification; definition) provides that an operator or employee of a commercial establishment who questions or has reason to question whether or not a person ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure the serving or delivery of nitrous oxide container is under 18 years of age shall require the person to provide identification and may require the person to sign the person's name, the date, and the number of the identification card to be retained by the operator, or may require the person to sign his or her name and the date on a photocopy of the instrument of identification to be retained by the operator.</p> <p>See description of § 13-3403.01 above.</p>
Prevention, treatment, education provisions related to inhalants	There are no specific laws related to the prevention, treatment, or education related to inhalants; but see also the description of § 28-1381 above.
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal and State Legislation below.

<u>ARKANSAS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ARK. CODE ANN. § 5-60-116 (West 2025) (breathing, inhaling, possessing, selling, or drinking certain intoxicating compounds—alcohol vaporizing devices prohibited) • ARK. CODE ANN. §§ 5-64-1201 to 5-64-1203 (West 2025) (collectively “Nitrous Oxide and Related Substances”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • July 31, 2007 (§§ 5-64-1201 to 5-64-1203) • July 31, 2009 (§ 5-60-116)
Criminal provisions related to inhalants	<p>§ 5-60-116 provides that it is unlawful for any person to knowingly:</p> <ol style="list-style-type: none"> (1) Breathe, inhale, or drink any compound, liquid, or chemical containing one of a list of chemical substances or similar substance or any gasoline or similar substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, or mental processes; (2) Breathe or inhale any compound, liquid, or chemical containing ethyl alcohol for the purpose of inducing a condition of intoxication; (3) Possess any compound, liquid, or chemical containing one of a list of chemical substances or any other substance that will induce a condition of intoxication through breathing or inhalation for the purpose of violating subdivisions (1) or (2) of this section; (4) Sell, offer for sale, deliver, give, or possess with the intent to sell, deliver, or give to any other person any compound, liquid, or chemical containing one of a list of chemical substances or any other substance that will induce a condition of intoxication through breathing or inhalation if he or she has reasonable cause to believe the substance will be used for the purpose of violating this section; or (5) Manufacture, sell, give, deliver, possess, or use an alcohol vaporizing device. <p>A person who violates this section is guilty of a class B misdemeanor upon conviction.</p> <p>§ 5-64-1201 (possession) makes it unlawful for any person to possess nitrous oxide; any compound, liquid, or chemical that contains nitrous oxide; or any amyl nitrite:</p>

<u>ARKANSAS</u>	
Criminal provisions related to inhalants, cont'd	<p>(1) With the intent to breathe, inhale, ingest, or use the substance for the purpose of (a) causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses; or (b) in any manner changing, distorting, or disturbing his or her audio, visual, or mental processes; or</p> <p>(2) Who is purposely under the influence of the substance.</p> <p>Upon conviction, a person who violates this section is guilty of a class A misdemeanor.</p> <p>§ 5-64-1202 (distribution) provides that it is unlawful for any person, firm, corporation, limited liability company, or association to purposely sell, offer for sale, distribute, or give away a substance listed in § 5-64-1201 for the purpose of inducing or aiding another person to breathe, inhale, ingest, use, or be under the influence of the substance for a purpose prohibited by § 5-64-1201. Upon conviction, a person, firm, corporation, limited liability company, or an association that violates this section is guilty of a class A misdemeanor.</p> <p>§ 5-64-1203 (exemptions) provides that the prohibitive provisions of § 5-64-1201 do not apply to the possession and use of a substance listed in that section that is prescribed as part of the practice of dentistry or as part of the care or treatment of a disease, condition, or injury by a licensed physician or to its use as part of a manufacturing process or industrial operation. It also does not apply to the possession, use, or sale of nitrous oxide as a propellant in food preparation for restaurant, food service, or a houseware product.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>CALIFORNIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • CAL. HEALTH & SAFETY CODE §§ 11999 to 11999.3 (West 2026) (collectively “Substance Use Disorder Prevention, Treatment, and Recovery Programs”) • CAL. HEALTH & SAFETY CODE § 120870 (West 2026) (alkyl nitrites sales; warning signs) • CAL. PENAL CODE §§ 380 to 381e (West 2026) (included within “Of Crimes against the Public Health and Safety”) • CAL. PENAL CODE § 647 (West 2026) (disorderly conduct) • CAL. PENAL CODE §§ 13860 to 13864 (West 2026) (collectively “Suppression of Drug Abuse in Schools”) • CAL. WELF. & INST. CODE § 729.8 (West 2026) (unlawful possession, use, sale, or other furnishing of controlled substances, imitation controlled substances, or toluene or substances with similar toxic qualities, etc.)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • September 21, 1980 (§ 380) • September 20, 1983 (§ 13860) • 1984 (§ 381b) • 1995 (§ 120870) • 2009 (§ 381c) • January 1, 2012 (§ 381) • July 1, 2013 (§§ 13861 and 13864) • January 1, 2015 (§ 381e) • January 1, 2026 (§§ 729.8 and 11999 to 11999.3)
Criminal provisions related to inhalants	<p>PENAL CODE § 380 (toluene, sale or distribution; second and subsequent offenders) provides that every person who sells, dispenses, or distributes toluene, or any substance containing toluene, to any person who is less than 18 years of age shall be guilty of a misdemeanor and, upon conviction, shall be fined a sum of not less than \$1,000 nor more than \$2,500, or by imprisonment for not less than six months nor more than one year.</p> <p>The court shall order the suspension of the business license, for a period of one year, of a person who knowingly violates this section after having been previously convicted of a violation unless the owner can demonstrate a good faith attempt to prevent illegal sales or deliveries by employees.</p> <p>The provisions of this section apply to, but are not limited to, the sale or distribution of glue, cement, dope, paint thinners, paint, and any combination of hydrocarbons, either alone or in combination with any substance or material including, but not limited to, paint, paint thinners, shellac thinners, and solvents</p>

<u>CALIFORNIA</u>	
Criminal provisions related to inhalants, cont'd	<p>which, when inhaled, ingested, or breathed, can cause a person to be under the influence of, or intoxicated from, any such combination of hydrocarbons.</p> <p>This section does not prohibit the sale of gasoline or other motor vehicle fuels to individuals less than 18 years of age. This section does not apply to any glue or cement which has been certified by the department of health services as containing a substance which makes such glue or cement malodorous or causes such glue or cement to induce sneezing. It also does not apply where the glue or cement is sold, delivered, or given away simultaneously with or as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models or used for the assembly or creation of hobby craft items.</p> <p>PENAL CODE § 381 (toluene and substances with similar toxic qualities; possession and under the influence) provides that any person who possesses toluene or any substance or material containing toluene, including, but not limited to, glue, cement, dope, paint thinner, paint, and any combination of hydrocarbons, either alone or in combination with any substance or material including, but not limited to, paint, paint thinner, shellac thinner, and solvents, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or who knowingly and with the intent to do so is under the influence of toluene or any material containing toluene, or any combination of hydrocarbons is guilty of a misdemeanor.</p> <p>Any person who possesses any substance or material which the department of public health has determined by regulations adopted has toxic qualities similar to toluene, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, satisfaction, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or who is under the influence of such substance or material is guilty of a misdemeanor.</p>

<u>CALIFORNIA</u>	
Criminal provisions related to inhalants, cont'd	<p>PENAL CODE § 381b (nitrous oxide or any substance containing nitrous oxide; unlawful possession; misdemeanor) provides that any person who possesses nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or who knowingly and with the intent to do so is under the influence of nitrous oxide or any material containing nitrous oxide is guilty of a misdemeanor. This section does not apply to any person who is under the influence of nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care.</p> <p>PENAL CODE § 381c (nitrous oxide; crime for distributing; exceptions) provides that ever person who sells, furnishes, administers, distributes, gives away, or offers to sell, furnish, administer, distribute, or give away a device, canister, tank, or receptacle either exclusively containing nitrous oxide or containing a chemical compound mixed with nitrous oxide, to a person under 18 years of age is guilty of a misdemeanor. It is a defense to this crime that the defendant honestly and reasonably believed that the minor was at least 18 years of age.</p> <p>The court shall order the suspension of the business license, for a period of up to one year, of a person who knowingly violates this section after having been previously convicted of a violation of this section, unless the owner of the business license can demonstrate a good faith attempt to prevent illegal sales or deliveries by the owner’s employees.</p> <p>This section does not apply to any person who administers nitrous oxide for the purpose of providing medical or dental care, if administered by a licensed practitioner or at the direction or under the supervision of a licensed practitioner.</p> <p>PENAL CODE § 381d (dispensing or distributing nitrous oxide resulting in injury or death; penalty) provides that a person who dispenses or distributes nitrous oxide to a person and knows or should know that the person is going to use the nitrous oxide in violation of PENAL CODE § 381b, and that person proximately causes great bodily injury or death to him or herself or another person, is guilty of a misdemeanor, punishable by</p>

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Criminal provisions related to inhalants, cont'd	<p>imprisonment in a county jail, not to exceed six months, or a fine not to exceed \$1,000, or both.</p> <p>PENAL CODE § 647 provides that it is a misdemeanor to be found in a public place under the influence of intoxicating liquor, a drug, controlled substance, toluene, or a combination thereof, in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence of intoxicating liquor, drug, controlled substance, toluene, or a combination thereof, interferes with or obstructs or prevents the free use of a street, sidewalk, or other public way.</p> <p>WELF. & INST. § 729.8 provides that if a minor is found to be a person in unlawful possession, use, sale, or other furnishing of toluene or a toxic substance upon the grounds of any school providing instruction in kindergarten, or any of grades 1 to 12, inclusive, or any church or synagogue, playground, public or private youth center, child day care facility, or public swimming pool, during hours in which these facilities are open for business, classes, or school-related activities or programs, or at any time when minors are using the facility, the court, as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons that the condition would be inappropriate, may require the minor to perform not more than 100 hours of community service.</p> <p>See the description of PENAL CODE § 381e below.</p>
Restrictions on sales	<p>HEALTH & SAFETY § 120870 provides that every person who sells alkyl nitrites shall, at the point of sale of the alkyl nitrites, post a sign measuring no less than five by seven inches that warns purchasers that “these products contain alkyl nitrites (‘poppers’). Inhaling or swallowing alkyl nitrites may be harmful to your health. The use of alkyl nitrites may affect the immune system. Several studies have suggested that their use is associated with the development of Kaposi’s sarcoma (an AIDS condition).”</p> <p>It requires that the signs be provided by the manufacturers or distributors of alkyl nitrites in California in sufficient quantity with the shipments of alkyl nitrites to allow posting at all points of sale. “Point of sale” for purposes of this section is within close proximity of the shelves or other area where the alkyl nitrites are displayed for consumer purchase.</p>

<u>CALIFORNIA</u>	
Restrictions on sales, cont'd	<p>PENAL CODE § 381e (dispensing or distributing nitrous oxide; recording of transactions; information provided; exceptions; penalty) provides that a person who dispenses or distributes nitrous oxide must record each transaction in a written or oral document and shall require the purchaser to sign the document, provide a complete residential address, and present a valid government-issued photo identification. The person dispensing or distributing the nitrous oxide shall sign and date the document and retain it for one year from the date of the transaction. All such documents shall be made available during normal business hours for inspection and copying upon presentation of a duly authorized search warrant by officers or employees of the board of pharmacy or of other law enforcement agencies of this state or the United States.</p> <p>It requires that the document used to record transactions must inform the purchaser that:</p> <ol style="list-style-type: none"> (1) Inhalation of nitrous oxide outside of a clinical setting may have dangerous health effects; (2) It is a violation of state law to possess nitrous oxide or any substance containing nitrous oxide with the intent to breathe, inhale, or ingest it for the purpose of intoxication; and (3) It is a violation of state law to knowingly distribute or dispense nitrous oxide or any substance containing nitrous oxide to a person who intends to breathe, inhale, or ingest it for the purpose of intoxication. <p>This section does not apply to:</p> <ol style="list-style-type: none"> (1) Any person who administers nitrous oxide for the purpose of providing medical or dental care if administered by a practitioner licensed by this state or at the direction or under the supervision of such practitioner; (2) The sale of nitrous oxide contained in food products for use as a propellant; or (3) To the sale or distribution of nitrous oxide by a wholesaler licensed by the board of pharmacy or manufacturer. <p>Information obtained from a person to whom nitrous oxide was</p>

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Restrictions on sales, cont'd	<p>distributed or dispensed is confidential and shall only be used for the purposes provided in this section. A person who dispenses or distributes nitrous oxide shall not use, review, or disclose any information obtained pursuant to this section.</p> <p>A person who violates this subdivision shall be guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed six months, or by a fine not to exceed \$1,000 or both.</p>
Prevention, treatment, education provisions related to inhalants	<p>HEALTH & SAFETY § 11999 (legislative findings and declarations) provides that the legislature has determined that the possession with the intent to be under the influence, or being under the influence of, toluene or any substance or material containing toluene, or any substance with similar toxic qualities, is unlawful. Some substances or materials containing toluene, or substances with similar toxic qualities, are commonly referred to, but not limited to, inhalants such as cement, glue, and paint thinner.</p> <p>HEALTH & SAFETY § 11999.1 (definitions) provides that “drug” includes toluene or any substance or material containing toluene or any substance with similar toxic qualities as set forth in PENAL CODE §§ 380 and 381.</p> <p>HEALTH & SAFETY § 11999.3 (state agencies which distribute funds; guidelines and procedures; time for compliance by programs; filing of written assurance; appeals of funding denial or termination; consideration of § 11999.2 [now repealed] requirements by local agencies; school materials and curricula) provides that a state agency that distributes state funds to an entity, whether public or private, for a drug or alcohol-related program shall establish and provide guidelines and procedures for the entity to use to ensure compliance with this division.</p> <p>PENAL CODE § 13860 (legislative intent; “drugs” defined) provides that, as used in this chapter related to suppression of drug abuse in schools, the legislature defines “drugs” to include marijuana, inhalants, narcotics, dangerous drugs, pharmaceuticals, glue, and alcohol.</p> <p>PENAL CODE § 13861 (program created; administration of funds; interagency agreements; administrative guidelines and procedures) creates the Suppression of Drug Abuse in Schools Program within the Office of Emergency Services. It authorizes the director of Emergency Services, in consultation with the</p>

<u>CALIFORNIA</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	<p>Suppression of Drug Abuse in Schools Program, to allocate and award funds to local law enforcement agencies and public schools jointly working to develop drug abuse prevention and drug trafficking suppression programs in substantial compliance with the policies and criteria set forth in § 13862.</p> <p>PENAL CODE § 13862 (duties of law enforcement agencies and school districts receiving funds; establishment of local committees; use of funds for development and distribution of aids for public awareness and staff training) provides that law enforcement agencies and school districts that receive funds under this chapter shall concentrate enhanced apprehension, prevention, and education efforts and resources on drug abuse and drug trafficking in and around school campuses. Sets forth the programs that should be included.</p> <p>Penal Code § 13864 (Comprehensive Alcohol and Drug Prevention Education component) creates the Comprehensive Alcohol and Drug Prevention Component within the Suppression of Drug Abuse in Schools Program for public elementary schools in grades 4 to 6, inclusive. It requires that fund recipients implement a comprehensive alcohol and drug abuse prevention, intervention, and suppression program for pupils in grades 4 to 6.</p>
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal and State Legislation .

<u>COLORADO</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • COLO. REV. STAT. ANN. § 18-18-412 (West 2025) (abusing toxic vapors—prohibited) • COLO. REV. STAT. ANN. §§ 27-81-101 to 27-81-118 (West 2025) (collectively “Substance Use Disorders Education, Prevention, and Treatment”) • COLO. REV. STAT. ANN. § 42-4-1301 (West 2025) (driving under the influence—driving while impaired—driving with excessive alcoholic content—definitions—penalties)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • March 1, 2020 (§ 18-18-412) • July 13, 2020 (§ 27-81-102) • March 1, 2022 (§ 42-4-1301)
Criminal provisions related to inhalants	<p>§ 18-18-412 prohibits any person from knowingly smelling or inhaling the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system. Further, no person shall knowingly possess, buy, or use any such substance for the purposes described in this section, nor shall any person knowingly aid any other person to use such substance for the purposes described herein. This section does not apply to the inhalation of anesthesia or other substances for medical or dental purposes.</p> <p>A person who knowingly violates this provisions of this section commits the offense of abusing toxic vapors, a level 2 drug misdemeanor.</p> <p>The definition of “toxic vapors” set forth in this section includes a list of chemical and other substances used by individuals for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system.</p> <p>§ 42-4-1301 provides that a person who drives a motor vehicle or vehicle under the influence of alcohol or one or more drugs, or a combination thereof, commits driving under the influence. Any person who drives a motor vehicle or vehicle while impaired by alcohol or by one or more drugs, or by a combination thereof, commits driving while ability impaired.</p> <p>Driving under the influence or driving while ability impaired is a misdemeanor, but it is a class 4 felony if the violation occurred after three or more prior convictions, arising out of separate and distinct criminal episodes, for DUI, DUI per se, or</p>

<u>COLORADO</u>	
Criminal provisions related to inhalants, cont'd	<p>DWAI; vehicular homicide; vehicular assault; or any combination thereof.</p> <p>As used in this section, one or more drugs means any drug, any controlled substance, and any inhaled glue, aerosol, or other toxic vapor or vapors.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	<p>§§ 27-81-101 to 27-81-118 set forth provisions related to the powers and duties of the behavioral health administration, voluntary and involuntary treatment provisions, and patient rights, among other things.</p> <p>§ 27-81-102 defines “drug” to include toxic vapors as defined in § 18-18-412 which makes the provisions set forth in this Article applicable to individuals who use inhalants.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>CONNECTICUT</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • CONN. GEN. STAT. ANN. §§ 21a-240 and 21a-245 (West 2025) (included within “Dependency-producing Drugs”) • CONN. GEN. STAT. ANN. § 21a-254 (West 2025) (designation of restricted drugs or substances by regulations) • CONN. GEN. STAT. ANN. § 21a-279 (West 2025) (penalty for illegal possession of a controlled substance other than cannabis; alternative sentences; immunity) • CONN. GEN. STAT. ANN. § 21a-281 (West 2025) (presumption of psychological dependence on volatile substances) • CONN. GEN. STAT. ANN. § 53-345a (West 2025) (nitrous oxide containers; sale to or purchase by minors prohibited; proof of age) • CONN. AGENCIES REGS. § 21a-243-1 (2025) (volatile substances) • CONN. AGENCIES REGS. § 21a-243-3 (2025) (when volatile substances not controlled drug)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • September 1, 1969 (§§ 21a-240 and 21a-245) • July 27, 1984 (§§ 21a-243-1 and 21a-243-3) • July 10, 1985 (§ 21a-281) • 1998 (§ 53-345a) • October 1, 2006 (§ 21a-254) • July 1, 2015 (§ 21a-279)
Criminal provisions related to inhalants	<p>§ 21a-240 (definitions) defines “restricted drugs or substances” to mean a list of substances including, but not limited to, amyl nitrite, and a list of volatile substances to the extent that said chemical substances or compounds containing said chemical substances are sold, prescribed, dispensed, compounded, possessed, or controlled or delivered or administered to another person with the purpose that said chemical substances shall be breathed, inhaled, sniffed, or drunk to induce a stimulant, depressant, or hallucinogenic effect upon the higher functions of the central nervous system including, but not limited to: acetone, butyl alcohol, butyl nitrite, ether, formaldehyde, methanol, nitrous oxide, and toluene.</p> <p>§ 21a-245 (manufacture, sale, administering of restricted substances regulated) provides that no person shall manufacture, possess, have under his control, sell, prescribe, dispense, compound, process, deliver, or administer to another person any restricted substance, except as authorized in this chapter and § 10-212a, except that no vendor of the volatile substances listed in § 21a-240 shall be deemed to have violated the provisions of this chapter insofar as sale, dispensing, or</p>

<u>CONNECTICUT</u>	
Criminal provisions related to inhalants, cont'd	<p>delivering of one or more of said volatile substances or compounds containing said chemicals is concerned, unless he or she knew or should have known of the improper purpose to which such substance was to be put. Insofar as substances containing such substances are possessed, sold, dispensed, compounded, or delivered for licit purposes, i.e., other than to produce a stimulant, depressant, or hallucinogenic effect upon the higher functions of the nervous system by breathing, inhaling, sniffing, or drinking, such substances are expressly not restricted and neither the regulatory provisions, including record keeping, licensing, and the writing of prescriptions nor the criminal sanctions and proscriptions of this chapter shall apply.</p> <p>§ 53-345a prohibits any person from selling, giving, or delivering to any minor under 18 years of age any container exclusively containing nitrous oxide, unless the minor is delivering or accepting delivery in his capacity as an employee. A violation shall result in a fine of not more than \$200 for a first offense, not more than \$350 for a second offense within an 18-month period, and not more than \$500 for each subsequent offense within an 18-month period.</p> <p>Any person under 18 years of age who purchases or misrepresents his age to purchase any container exclusively containing nitrous oxide shall be fined not more than \$50 for the first offense and not less than \$50 nor more than \$100 for each subsequent offense.</p>
Restrictions on sales	<p>§ 53-345a provides that each retailer of containers exclusively containing nitrous oxide or an employee of such retailer shall require a person purchasing or attempting to purchase a container exclusively containing nitrous oxide, whose age is in question, to exhibit proper proof of age. If a person fails to provide such proof of age, such retailer or employee shall not sell any container to such person.</p>
Prevention, treatment, education provisions related to inhalants	<p>§ 21a-279 sets forth penalties for possession of a controlled substance, which does not include volatile substances; however, subsection (c) of this section states that, to the extent that it is possible, medical treatment rather than criminal sanctions shall be afforded individuals who breathe, inhale, sniff, or drink the volatile substances described in subdivision (49) of § 21a-240 (see above for description).</p> <p>§ 21a-281 provides that one who is found to have inhaled or to</p>

<u>CONNECTICUT</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	<p>be under the influence of one or more of the volatile substances enumerated in subdivision (49) of § 21a-240 (see above for description) shall be presumed to be psychologically dependent upon such volatile substance or substances.</p> <p>§ 21a-243-1 sets forth a list of volatile substances that are designated as controlled drugs to the extent that said chemical substances or compounds containing said chemical substances are sold, prescribed, dispensed, compounded, possessed, or controlled, or delivered or administered to another person, with the purpose that said chemical substances shall be breathed, inhaled, sniffed, or drunk to induce a stimulant, depressant, or hallucinogenic effect upon the higher functions of the central nervous system.</p> <p>It provides that it is the express intent of these regulations to provide medical treatment whenever possible, and creates the presumption that one who is found to have inhaled or to be under the influence of the above-described volatile substances shall be deemed to be psychologically dependent upon such substances. To the extent that it is possible, medical treatment rather than criminal sanctions shall be afforded individuals who breathe, inhale, sniff, or drink the listed volatile substances.</p>
Miscellaneous provisions	<p>§ 21a-254 provides that the Commissioner of Consumer Protection, after investigation and hearing, may be regulation designate certain substances as restricted drugs or substances by reason of their exceptional danger to health or potential for abuse so as to require written records of receipt, use, and dispensation, and may, after investigation and hearing, remove the designation as restricted drugs or substances from any substance so previously designated.</p> <p>§ 21a-243-3 provides that the drugs designated in § 21a-243-1 as controlled drugs are designated as such only for the limited purpose stated in § 21a-243-1. Insofar as substances containing said drugs are possessed, sold, dispensed, compounded, or delivered for licit purposes, i.e., other than to produce a stimulant, depressant, or hallucinogenic effect upon the higher functions of the central nervous system by breathing, inhaling, sniffing, or drinking, such substances are expressly not controlled and neither the regulatory provisions, including, but not limited to, record keeping, licensing, and the writing of prescriptions nor the criminal sanctions and proscriptions of chapter 420b of the general statutes apply.</p>

<u>CONNECTICUT</u>	
Recently proposed legislation	None

<u>DELAWARE</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • DEL. CODE ANN. tit. 11, § 627 (West 2026) (prohibited acts as to substances releasing vapors or fumes; unclassified misdemeanor) • DEL CODE ANN. tit. 16, §§ 2201 to 2226 (West 2026) (collectively titled “Substance Abuse Treatment Act”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1989 (11, § 627) • July 8, 2002 (16, §§ 2201 and 2203)
Criminal provisions related to inhalants	<p>11, § 627 provides that no person shall:</p> <ol style="list-style-type: none"> (1) Intentionally smell or inhale the vapors or fumes from any substance having the property of releasing vapors or fumes for the purpose of producing a condition of intoxication, inebriation, exhilaration, stupefaction, or lethargy, or for the purpose of dulling the brain or nervous system; provided, that nothing in this section shall prohibit the inhalation of the vapors or fumes of any anesthesia for medical or dental purposes; (2) Sell or offer to sell to any person any material, product, or article of commerce containing any substance having a property of releasing vapors or fumes, if the person has knowledge or is in the possession of such facts that the person should have knowledge that the material, product, or article of commerce sold or offered will be used for the purpose of committing any of the acts proscribed in paragraph (1); or (3) Purchase or offer to purchase for the person or any other person any material, product, or article of commerce containing any substance having the property of releasing vapors and fumes if such purchase or offer to purchase is made for the purpose of committing any of the acts proscribed in paragraph (1). <p>A violation of this section is an unclassified misdemeanor.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	<p>16, § 2201 (declaration of policy) provides that it is the policy of this state to provide treatment to those who abuse substances such as alcohol, drugs, or inhalants. It further provides that this chapter is designed to enable those engaged in substance abuse to receive appropriate care and treatment.</p> <p>16, § 2203 (definitions) defines “substance abuse” to mean the chronic, habitual, regular, or recurrent use of alcohol, inhalants, or controlled substances. It also defines “treatment” to mean the</p>

<u>DELAWARE</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	<p>clinical and related services rendered to a person who abuses alcohol, drugs, or inhalants.</p> <p>Based on this definition of “substance abuse,” the treatment provisions set forth in tit. 16, §§ 2201 to 2226 are applicable to individuals who are dependent upon or misuse inhalants.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>DISTRICT OF COLUMBIA</u>	
Statute(s) and regulation(s)	D.C. MUN. REGS. tit. 22-B, § 119 (2025) (illegal use of glues containing a solvent having the property of releasing toxic vapors or fumes)
Effective date(s) of most recent substantive amendment	January 30, 2025
Criminal provisions related to inhalants	<p>22-B, § 119 provides that no person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his or her brain or nervous system, intentionally smell or inhale the fumes from any glue containing a solvent which has the property of releasing toxic vapors or fumes; provided, that nothing in this section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes.</p> <p>It sets forth a list of chemical compounds that qualify as a “glue containing a solvent having the property of releasing toxic vapors or fumes,” that includes any glue, cement, or other adhesive containing, among other things, butyl alcohol, methyl alcohol, acetone, an acetate, or toluene.</p> <p>No individual shall, for the purpose of violating this section, use, or possess for the purpose of using, any glue containing a solvent having the property of releasing toxic vapors or fumes.</p> <p>No person, except a person who is, at the time of sale, actually employed by or engaged in operating a bona fide commercial establishment at a fixed location, shall sell to any other person any tube or other container of glue containing a solvent having the property of releasing toxic vapors or fumes, and all sales of such glue not made in or from such an establishment are hereby prohibited.</p> <p>Any person convicted of a violation of this section shall be punished by a fine not exceeding \$300 or by imprisonment for not more than 10 days.</p>
Restrictions on sales	<p>22-B, § 119 provides that no person shall sell, give, or otherwise transfer to any person under the age of 18, except with the written consent of the parent or guardian of such other person, any glue containing a solvent having the property of releasing toxic vapors or fumes; provided, that this does not apply in the following situations:</p> <p style="padding-left: 40px;">(1) The sale of a model kit containing a tube or other</p>

<u>DISTRICT OF COLUMBIA</u>	
Restrictions on sales, cont'd	<p>container of any such glue;</p> <p>(1) The sale of a tube or other container of any such glue immediately in conjunction with the sale of a model kit requiring the use of approximately such quantity or glue for the assembly of a model; and</p> <p>(2) The transfer of a tube or other container of such glue from a parent to his or her child or from a guardian to his or her ward.</p> <p>Each person who, in one transaction or in two or more transactions closely connected in time, sells to any other person two or more containers of glue containing a solvent having the property of releasing toxic vapors or fumes, shall upon the occurrence of the second or subsequent transaction, require such other person to exhibit means of identification of himself or herself, and shall record in a register conforming with requirements established by the chief of police the name, address, and description of such other person. The record shall be kept for a period of not less than six months and shall be available for inspection during normal business hours by officers and members of the Metropolitan Police Force.</p> <p>Any person convicted of a violation of this section shall be punished by a fine not exceeding \$300 or by imprisonment for not more than 10 days.</p>
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>FLORIDA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • FLA. STAT. ANN. § 499.039 (West 2025) (sale, distribution, or transfer of harmful chemical substances; penalties; authority for enforcement)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1992 (§ 499.039) • July 1, 2001 (§ 877.111)
Criminal provisions related to inhalants	<p>§ 499.039 provides that it is unlawful for a person to sell, deliver, or give to a person under the age of 18 years any compound, liquid, or chemical containing certain listed substances or similar substances for the purpose of inducing by breathing, inhaling, or ingesting a condition of intoxication or which is intended to distort or disturb the auditory, visual, or other physical or mental processes.</p> <p>On the first violation of this section, the department may issue a warning if the violation has not caused temporary or permanent physical or mental injury to the user. If any violation of this section has caused temporary or permanent physical or mental injury to the user, the department may impose fines and may report any violation to the appropriate state attorney for prosecution.</p> <p>§ 877.111 provides that it is unlawful for any person to inhale or ingest, or to possess with intent to breathe, inhale, or drink, any compound, liquid, or chemical containing a list of chemical substances including, but not limited to, toluol, acetone, toluene, ethyl acetate, and nitrous oxide, or any similar substance for the purpose of inducing a condition of intoxication or which distorts or disturbs the auditory, visual, or mental processes. This section does not apply to the possession and use of these substances as part of the care or treatment of a disease or injury by a practitioner.</p> <p>It is unlawful for any person to possess, buy, sell, or otherwise transfer any chemical substance specified in this section for the purpose of inducing or aiding any other person to violate the provisions of this section. Except as otherwise provided, any person who violates this section commits a misdemeanor of the second degree.</p> <p>Any person who knowingly distributes, sells, purchases, transfers, or possesses more than 16 grams of nitrous oxide commits a felony of the third degree which shall be known as unlawful distribution of nitrous oxide punishable as provided</p>

<u>FLORIDA</u>	
Criminal provisions related to inhalants, cont'd	<p>by law. For purposes of this section, in addition to proving by any other means that nitrous oxide was knowingly possessed, distributed, sold, purchased, or transferred, proof that any person discharged, or aided another in discharging, nitrous oxide to inflate a balloon or any other object suitable for subsequent inhalation creates an inference of the person's knowledge that the nitrous oxide's use was for an unlawful purpose. This subsection does not apply to the possession and use of nitrous oxide as part of the care and treatment of a disease or injury by a practitioner; as a food processing propellant; as a semiconductor oxidizer; as an analytical chemistry oxidizer in atomic absorption spectrometry; in the production of chemicals used to inflate airbags; as an oxidizer for chemical production, combustion, or jet propulsion; or as a motor vehicle induction additive when mixed with sulphur dioxide.</p> <p>It provides that any person who violates the provisions of this section may, in the discretion of the trial judge, be required to participate in a substance abuse services program approved or regulated by the Department of Children and Families, provided the director of the program approves the placement of the defendant in the program. Such required participation may be imposed in addition to, or in lieu of, any other penalty or probation prescribed by law. However, the total time of such penalty, probation, and program participation shall not exceed the maximum length of sentence possible for the offense.</p>
Restrictions on sales	See description of § 877.111 above.
Prevention, treatment, education provisions related to inhalants	See description of § 877.111 above.
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal and State Legislation .

<u>GEORGIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • GA. CODE ANN. § 16-13-79 (West 2025) (violations relating to dangerous drugs) • GA. CODE ANN. §§ 16-13-90 to 16-13-96 (West 2025) (collectively “Sale, Possession, Transfer, or Inhalation of Model Glue”) • GA. CODE ANN. § 40-6-391 (West 2025) (drivers with ability impaired by alcohol, drugs, or toxic vapor)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1968 (§§ 16-13-90 to 16-13-96) • May 6, 2008 (§ 16-13-79) • July 1, 2014 (§ 40-6-391)
Criminal provisions related to inhalants	<p>§ 16-13-79 provides that it is a felony for any person to distribute or possess with intent to distribute nitrous oxide for any use other than for medical treatment by order of a licensed medical practitioner or as permitted by § 16-13-71(c)(16) (provides that air products suppliers shall not sell medical grade nitrous oxide to other than licensed practitioners or medical suppliers; industrial grade nitrous oxide shall only be sold when mixed with not less than 100 parts per million of sulfur dioxide as a fuel additive for combustion engines or when used in industrial laboratory equipment). This violation is punishable by imprisonment for not less than one year nor more than three years or by a fine not to exceed \$5,000 or both.</p> <p>It also prohibits any person from distributing or possessing with intent to distribute to any person under 18 years of age nitrous oxide for any use other than as permitted above. A violation is a felony punishable by imprisonment of not less than two years nor more than six years or by a fine not to exceed \$10,000 or both.</p> <p>It provides that this article does not apply to any person who possesses, distributes, sells, or uses nitrous oxide for food preparation in a restaurant, for food service, or in household products.</p> <p>§§ 16-13-90 to 16-13-96 set forth criminal provisions related to model glue. § 16-13-90 (“model glue” defined) provides that “model glue” means any glue, cement, solvent, or chemical substance containing one or more of a list of chemicals that include, but are not limited to, acetone, benzene, chloroform, ether, ethyl alcohol, isopropyl alcohol, methyl alcohol, butyl alcohol, or toluene.</p>

<u>GEORGIA</u>	
Criminal provisions related to inhalants, cont'd	<p>§ 16-13-91 (intentional inhaling of fumes of model glue) prohibits any person from, for the purpose of causing a condition of intoxication, stupefaction, euphoria, excitement, exhilaration, or dulling of the senses or nervous system, intentionally smelling or inhaling the fumes from any model glue, providing that this section does not apply to the inhalation of any anesthesia for medical or dental purposes.</p> <p>§ 16-13-92 (possession, buying, selling, or transferring of possession of model glue prohibited) provides that no person shall intentionally possess, buy, sell, transfer possession, or receive possession of any model glue for the purpose of violating or aiding another person to violate this article.</p> <p>§ 16-13-93 (persons under 18 years of age prohibited from buying model glue without written consent of parent) provides that no person shall sell or transfer possession of any model glue to another person under 18 years of age, nor shall any person under 18 years of age possess or buy any model glue unless the purchase is for model building or other lawful use and the person under 18 years of age has in his possession and exhibits to the seller or transferor the written consent of his parent or legal guardian to make such purchase or take possession of the model glue, provided any minor who shall transfer possession of model glue to another minor for model building or other lawful purpose shall not be held criminally liable for failing to require the written consent of the recipient minor's parents or for failing to keep same available for inspection by law enforcement officials.</p> <p>§ 16-13-94 (consent of parent to be exhibited when purchasing model glue; records) requires the person making a sale or transfer of possession of model glue to a person under 18 years of age must require the purchaser to exhibit the written consent of his parent or guardian and the name and address of the consenting parent or guardian. The data required by this section must be kept available by the seller for inspection by law enforcement officials for a period of six months.</p> <p>§ 16-13-95 (article not to be construed to repeal or limit laws or ordinances of counties or municipalities) provides that no provisions in this article shall be construed to repeal or limit laws or ordinances of any county or municipality regulating, restricting, or prohibiting the sale of model glue to any person</p>

<u>GEORGIA</u>	
Criminal provisions related to inhalants, cont'd	<p>under the age of 18, nor does it restrict the governing authority of any county or municipality from enacting ordinances or regulations governing the regulation of model glue not inconsistent with this article.</p> <p>Finally, § 16-13-96 (violations relating to model glue) provides that a violation of any of the provisions of this article is a misdemeanor, and each violation is a separate and distinct offense.</p> <p>§ 40-6-391 provides that a person shall not drive or be in actual physical control of any moving vehicle while under the intentional influence of any glue, aerosol, or other toxic vapor to the extent that it is less safe for the person to drive or under the combined influence of any two or more of alcohol, drugs, or any glue, aerosol, or other toxic vapor to the extent that it is less safe for the person to drive. A conviction for a first or second offense is a misdemeanor. A third conviction is a high and aggravated misdemeanor, and a fourth or subsequent conviction is a felony, except as otherwise provided by this section.</p>
Restrictions on sales	See descriptions of §§ 16-13-93 and 16-13-94 above.
Prevention, treatment, education provisions related to inhalants	§ 40-6-391 requires individuals convicted of driving while under the influence to complete a DUI Alcohol or Drug Use Risk Reduction Program within 120 days following the conviction, unless the defendant is incarcerated and the program cannot be completed within the required time period. If so, the program must be completed within 90 days of his or her release from custody. A person convicted of driving under the influence shall also undergo a clinical evaluation and, if recommended as part of the evaluation, complete a substance use disorder treatment program. The court may waive this requirement.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>HAWAII</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • HAW. REV. STAT. ANN. §§ 328E-1 to 328E-5 (West 2025) (collectively “Intoxicating Compounds”) • HAW. REV. STAT. ANN. § 330-8 (West 2025) (use of certain chemical substances as inhalants unlawful) • HAW. REV. STAT. ANN. § 712-1250 (West 2025) (promoting intoxicating compounds)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1963 (§ 330-8) • 1970 (§§ 328E-2 to 328E-5) • 1984 (§ 712-1250)
Criminal provisions related to inhalants	<p>§ 328E-2 (use prohibited) provides that no person shall breathe, inhale, or drink any compound, liquid, or chemical containing a list of chemical substances including, but not limited to, toluene, acetone, ethyl acetate, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, or irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, or mental processes. For purposes of this chapter, any such condition is deemed “an intoxicated condition.”</p> <p>§ 328E-3 (sale or delivery to person under 18) prohibits any person from knowingly selling or offering for sale, delivering, or giving to any person under 18 years of age, unless upon written order of such person’s parent or guardian, any compound, liquid, or chemical containing certain listed substances including, but not limited to, acetone, toluene, ethyl acetate, or any other substance which will induce an intoxicated condition when the seller, offeror, or deliverer knows or has reason to know that such compound is intended to induce such condition.</p> <p>§ 328E-4 (when not applicable) provides an exception to these provisions for any person who commits any act described herein pursuant to the direction or prescription of a practitioner.</p> <p>§ 328E-5 (misdemeanor) provides that whosoever violates any provision of this chapter commits a misdemeanor.</p> <p>§ 330-8 provides that it is unlawful for any person to use as an inhalant any substance, not a “food” as defined by law, which substance includes in its composition volatile organic solvents including amylacetate, trichloroethylene, and acetone or any other chemical substance, capable of producing upon inhalation any degree of intoxication; provided that this section shall not</p>

<u>HAWAII</u>	
Criminal provisions related to inhalants, cont'd	<p>apply to any person using as an inhalant any such chemical substance pursuant to the direction of a physician.</p> <p>§ 712-1250 provides that a person commits the offense of promoting intoxicating compounds if the person knowingly:</p> <ol style="list-style-type: none"> (1) Breathes, inhales, or drinks any compound, liquid, or chemical containing a listed substance including, but not limited to, acetone, toluene, isopropanol, ethyl acetate, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, or mental processes; or (2) Sells or offers for sale, delivers, or gives to any person under 18 years of age, unless upon written order of such person's parent or guardian, any compound, liquid, or chemical containing a listed substance including, but not limited to, acetone, toluene, isopropanol, ethyl acetate, or any other substance which will induce an intoxicated condition when the seller, offeror, or deliverer knows or has reason to know that such compound is intended for use to induce such condition. <p>A violation is a misdemeanor. This section does not apply to any person who commits any act described herein pursuant to the direction or prescription of a practitioner.</p>
Restrictions on sales	See descriptions of §§ 328E-3 and 712-1250 above.
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>IDAHO</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • IDAHO CODE ANN. § 18-1502B (West 2025) (possession of inhalants by minors) • IDAHO CODE ANN. § 37-2713A (West 2025) (Schedule VI)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1989 (§ 37-2713A) • 1993 (§ 18-1502B)
Criminal provisions related to inhalants	<p>§ 18-1502B provides that whenever a person under the age of 18 years is in possession of and uses an aerosol spray product or other inhalant that is not used pursuant to the instructions or prescription of a licensed healthcare provider or that is not used pursuant to the manufacturer’s label instructions for the purpose of becoming under the influence of such substance, such person shall be guilty of a misdemeanor and, upon conviction, may be punished by a fine not in excess of \$300 or by 30 days in a juvenile detention facility or by both.</p> <p>This section defines “inhalant” to mean any glue, cement, or other substance containing one or more of the listed chemical compounds that includes, but is not limited to, acetone, acetate, butyl alcohol, ethyl alcohol, toluene, or xylene, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.</p> <p>§ 37-2713A includes volatile nitrites in Schedule VI of the controlled substances schedules. “Volatile nitrites” includes amyl nitrite, butyl nitrite, isobutyl nitrite, isoamyl nitrite, and isopentyl nitrite. Any criminal provisions related to controlled substances in general and Schedule VI specifically apply to volatile nitrites.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>ILLINOIS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • 20 ILL. COMP. STAT. ANN. 301/1-10 (West 2026) (definitions) • 625 ILL. COMP. STAT. ANN. 5/11-501 (West 2026) (driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof) • 720 ILL. COMP. STAT. ANN. 5/24.5-5 and 5/24.5-10 (West 2026) (collectively “nitrous oxide”) • 720 ILL. COMP. STAT. ANN. 570/102 (West 2026) (definitions) • 720 ILL. COMP. STAT. ANN. 570/312 (West 2026) (requirements for dispensing controlled substances) • 720 ILL. COMP. STAT. ANN. 690/0.01 to 690/4.5 (West 2026) (collectively “Use of Intoxicating Compounds Act”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • September 14, 1983 (720 s. 690/3) • September 1, 1989 (720 s. 570/312) • January 1, 1997 (720 s. 690/1, 690/2, and 690/4.5) • January 1, 1999 (625 s. 5/11-501) • January 1, 2000 (720 s. 5/24.5-5 and 5/24.5-10) • January 1, 2011 (720 s. 690/4) • January 1, 2019 (20 s. 301/1-10) • January 1, 2025 (720 s. 570/102)
Criminal provisions related to inhalants	<p>625 s. 5/11-501 provides that a person shall not drive or be in actual physical control of any vehicle within this state while under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely or under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving. A violation is a Class A misdemeanor. A third or subsequent violation is aggravated driving under the influence, a Class 4 felony.</p> <p>720 s. 5/24.5-5 (unlawful possession) provides that any person who possesses nitrous oxide or any substance containing nitrous oxide with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or who knowingly and with the intent to do so is under the influence of nitrous oxide or any material containing nitrous oxide is guilty of a Class A misdemeanor. A person who commits a second or subsequent violation is guilty of a Class 4 felony. This section does not apply to any person who is under the influence of</p>

<u>ILLINOIS</u>	
Criminal provisions related to inhalants, cont'd	<p>nitrous oxide or any substance containing nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care by a person duly licensed to administer such an agent.</p> <p>720 s. 5/24.5-10 (unlawful manufacture or delivery) provides that any person, firm, corporation, co-partnership, limited liability company, or association that intentionally manufactures, delivers, or possesses with intent to manufacture or deliver nitrous oxide for any purpose prohibited under section 5/24.5-5 is guilty of a Class 3 felony.</p> <p>720 s. 570/312 provides that no person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.</p> <p>720 s. 690/1 (use prohibited) provides that no person shall ingest, breathe, inhale, or drink any compound, liquid, or chemical containing certain listed substances that include, but are not limited to, acetone, toluene, ethyl acetate, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, or irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, or mental processes. For purposes of this Act, any such condition shall be deemed to be an intoxicated condition.</p> <p>720 s. 690/2 (sale or delivery prohibited) prohibits any person from knowingly selling or offering for sale, delivering, or giving to any person under 17 years of age, unless upon written order of such person's parent or guardian, any compound, liquid, or chemical containing certain listed substances that include, but are not limited to, acetone, toluene, ethyl acetate, or any other substance which will induce an intoxicated condition when the seller, offeror, or deliverer knows or has reason to know that the compound is intended for use to induce such condition.</p> <p>Additionally, no person shall knowingly sell or offer for sale, deliver, or give to any person any compound, liquid, or chemical containing alkaloids atropine, hyoscyamine, or scopolamine when the seller, offeror, or deliverer knows or has reason to know that the substance is intended for use to induce an intoxicated condition.</p>

<u>ILLINOIS</u>	
Criminal provisions related to inhalants, cont'd	<p>720 s. 690/3 (direction or prescription of practitioner) states that this Act shall not apply to any person who commits any act described in this Act pursuant to the direction or prescription of a practitioner.</p> <p>720 s. 690/4 (sentence) provides that, except as otherwise provided in this section, a violation of this Act is a Class C misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense.</p> <p>The knowing ingestion of any compound, liquid, or chemical containing the alkaloids atropine, hyoscyamine, or scopolamine is a Class A misdemeanor. The sale, offer for sale, delivery, or giving to any person of a compound, liquid, or chemical containing those substances is a Class 4 felony. This subsection does not prohibit the sale, offer for sale, delivery, giving, or ingestion of a compound, liquid, or chemical containing those substances under the direction or prescription of an authorized practitioner. Additionally, section 690/4.5 (exemption) provides that this Act does not apply to the sale, offer for sale, delivery, or giving of any compound, liquid, or chemical containing those substances by a retail merchant.</p>
Restrictions on sales	See description of 720 s. 690/2 above.
Prevention, treatment, education provisions related to inhalants	<p>20 s. 301/1-10 defines “substance use disorder” to mean a spectrum of persistent and recurring problematic behavior that encompasses 10 separate classes of drugs including inhalants leading to clinically significant impairment or distress.</p> <p>720 s. 570/102 defines “person with a substance use disorder” as any person who has a substance use disorder diagnosis defined as a spectrum of persistent and recurring problematic behavior that encompasses 10 separate classes of drugs including inhalants leading to clinically significant impairment or distress.</p>
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal and State Legislation .

<u>INDIANA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • IND. CODE ANN. § 7.1-5-8-14 (West 2025) (prohibited use of nitrous oxide; sanctions) • IND. CODE ANN. §§ 35-46-6-1 to 35-46-6-3 (West 2025) (collectively “Glue Sniffing”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 2006 (§ 35-46-6-1) • July 1, 2024 (§ 35-46-6-2) • July 1, 2025 (§§ 7.1-5-8-14 and 35-46-6-3)
Criminal provisions related to inhalants	<p>§ 35-46-6-1 (“Model Glue”) defines “model glue” to mean a glue or cement containing toluene or acetone or both.</p> <p>§ 35-46-6-2 (inhaling toxic vapors) provides that a person who, with intent to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses, ingests or inhales the fumes of a list of substances that includes, but is not limited to: model glue; a substance that contains, among other substances, toluene, acetone, benzene, butane, freon, chloroform, or ether; or any other chemical having the property of releasing toxic vapors commits the crime of inhaling toxic vapors, a Class B misdemeanor.</p> <p>§ 35-46-6-3 (nitrous oxide distribution; non-medical purposes) provides that a person who knowingly or intentionally uses or distributes nitrous oxide with intent to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses of another person, unless it is to be used for medical purposes, commits a Class B misdemeanor. It is a Class A misdemeanor if the person has a prior unrelated conviction under this section.</p> <p>Additionally, a person who knowingly or intentionally sells, uses, or distributes flavored nitrous oxide commits a Class B misdemeanor. If the person has a prior unrelated conviction under this section, it is a Class A misdemeanor. The prohibition on the sale of flavored nitrous oxide does not apply to:</p> <ol style="list-style-type: none"> (1) A retail or wholesale restaurant supply company that sells or distributes flavored nitrous oxide to a person for use in food and beverage preparation or other culinary purposes; or (2) A person that uses flavored nitrous oxide in food and beverage recipes or for other legitimate culinary purposes.
Restrictions on sales	None

<u>INDIANA</u>	
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	§ 7.1-5-8-14 provides that if a person issued a permit or certificate by the commission under this title sells, distributes, or uses nitrous oxide or flavored nitrous oxide in violation of § 35-46-6-3 (see description above), the commission may suspend or revoke the permit or certificate and impose sanctions on the holder equal to the cost of disposing of the nitrous oxide or flavored nitrous oxide.
Recently proposed legislation	Yes, see Recently Proposed Federal and State Legislation .

<u>IOWA</u>	
Statute(s) and regulation(s)	IOWA CODE ANN. § 126.22 (West 2026) (nitrous oxide)
Effective date(s) of most recent substantive amendment	1997 (§ 126.22)
Criminal provisions related to inhalants	<p>§ 126.22 provides that any person who possesses nitrous oxide or any substance containing nitrous oxide with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses, or who knowingly and with the intent to do so is under the influence of nitrous oxide or any material containing nitrous oxide is guilty of a misdemeanor. This subsection does not apply to a person who is under the influence of nitrous oxide or any material containing nitrous oxide for the purpose of medical, surgical, or dental care by a person duly licensed to administer such an agent.</p> <p>It also provides that any person who distributes nitrous oxide, or possesses nitrous oxide with intent to distribute to another person, if such distribution is with the intent to induce unlawful inhaling of the substance or is with the knowledge that the other person will unlawfully inhale the substance, is guilty of a serious misdemeanor.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal and State Legislation .

<u>KANSAS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • KAN. STAT. ANN. § 8-1567 (West 2025) (driving under the influence; penalties) • KAN. STAT. ANN. § 21-5712 (West 2025) (unlawful abuse of toxic vapors) • KAN. STAT. ANN. § 59-29b46 (West 2025) (definitions)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1998 (§ 59-29b46) • May 29, 2002 (§ 8-1567) • July 1, 2015 (§ 21-5712)
Criminal provisions related to inhalants	<p>§ 8-1567 provides that driving under the influence is operating or attempting to operate any vehicle within this state while under the influence of any drug or combination of drugs to a degree that renders the person incapable of driving safely or under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle. Sets forth the penalties for driving under the influence which range from a Class B nonperson misdemeanor to a severity level 6 nonperson felony.</p> <p>This section provides that the definition of “drug” includes toxic vapors as defined in § 21-5712.</p> <p>§ 21-5712 provides that unlawful abuse of toxic vapors is possessing, buying, using, smelling, or inhaling toxic vapors with the intent of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system and is a Class B nonperson misdemeanor. In addition to any sentence or fine imposed, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program, treatment program, or both such programs. This section does not apply to the inhalation of anesthesia or other substances for medical or dental purposes.</p> <p>It defines “toxic vapors” to mean vapors from a list of substances or products containing the listed substances which includes, but is not limited to, acetone, benzene, hexane, freons, toluene, or xylene. In a prosecution for a violation of this section, evidence that a container lists one or more of the substances described in this section as one of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors.</p>
Restrictions on sales	None

<u>KANSAS</u>	
Prevention, treatment, education provisions related to inhalants	<p>§ 8-1567 permits a court to order that a term of imprisonment for driving under the influence be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment. The secretary may refuse to admit the person if the secretary determines:</p> <ol style="list-style-type: none"> (1) That the treatment resources or the capacity of the facility designated for the incarceration and treatment of the person is not available; (2) The person has failed to meaningfully participate in the treatment program of the designated facility; (3) The person is disruptive to the security or operation of the facility; or (4) The medical or mental health condition of the person renders the person unsuitable for confinement at the facility. <p>§ 59-29b46, when used in the care and treatment act for individuals with an alcohol or substance abuse problem, defines “substance” to include toluene, fluorocarbons, and volatile hydrocarbon solvents. It further defines “person with an alcohol or substance abuse problem” to mean a person who, among other things, uses any substance to the extent that the person’s health may be substantially impaired or endangered without treatment.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>KENTUCKY</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • KY. REV. STAT. ANN. § 217.900 (West 2025) (volatile substance defined; inhalation unlawful) • KY. REV. STAT. ANN. § 217.993 (West 2025) (penalties) • KY. REV. STAT. ANN. § 438.343 (West 2025) (prohibition on sale or distribution of nitrous oxide; definition; exceptions; penalties)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • July 15, 1980 (§ 217.900) • July 14, 1992 (§ 217.993) • June 27, 2025 (§ 438.343)
Criminal provisions related to inhalants	<p>§ 217.900 defines “volatile substance” to mean any glue, cement, paint, or other substance containing a solvent or chemical having the property of releasing toxic vapors or fumes which when inhaled may cause a condition of intoxication, inebriation, stupefaction, dulling of the brain or nervous system, or distortion or disturbance of the auditory, visual, or mental processes. It makes it unlawful for any person to intentionally smell or inhale the fumes of any volatile substance, or to induce any other person to do so for the purpose of inducing a condition described above. Additionally, it provides that no person shall intentionally sell or offer for sale, deliver, or give any volatile substance to any person for purposes of inhalation in violation of this section.</p> <p>§ 217.993 provides that any person violating § 217.900 is guilty of a Class B misdemeanor.</p> <p>§ 438.343 defines “nitrous oxide” to mean any of the following substances: N₂O, dinitrogen monoxide, dinitrogen oxide, nitrogen oxide, butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, or laughing gas.</p> <p>It provides that a retailer shall not sell, distribute, give away, or cause to be sold any device, canister, tank, or receptacle that either exclusively contains nitrous oxide or exclusively contains a chemical compound mixed with nitrous oxide. Nitrous oxide shall only be available for the uses as authorized by this subsection. This section shall not prohibit:</p> <ol style="list-style-type: none"> (1) The sale or distribution of medical gases that contain nitrous oxide by a licensed wholesaler; (2) Any person who administers nitrous oxide for the purpose of providing medical or dental care;

<u>KENTUCKY</u>	
Criminal provisions related to inhalants, cont'd	<p>(3) The possession or use of nitrous oxide substances by a manufacturer as part of a manufacturing process or industrial operation;</p> <p>(4) The possession, use, or sale of nitrous oxide as a propellant in food preparation for restaurant, food service, or houseware products; or</p> <p>(5) The possession, use, or sale for automotive purposes.</p> <p>Any retailer that violates this section is subject to a \$2,500 fine for a first citation; a \$5,000 fine for a second citation; and up to 30 days in jail for a third citation. Each citation shall be specific to the premises of the retailer where the violation occurred.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	<p>§ 217.993 provides that any person found guilty of inhaling a volatile substance in violation of § 217.900 may be ordered to a facility designated by the secretary of the Cabinet for Health and Family Services, where a program of education, treatment, and rehabilitation not to exceed 90 days in duration shall be prescribed. The defendant shall present him or herself for registration and initiation of a treatment program within five days of the date of sentencing. If the clinical director of the facility finds that the person is unwilling to participate in his treatment and rehabilitation, the director shall notify the sentencing court which shall cause the person to be brought before it and may continue the order of treatment or order the person to be subject to the fine or imprisonment or both for a Class B misdemeanor. Upon discharge from the facility, the person shall be deemed finally discharged from sentence.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>LOUISIANA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • LA. STAT. ANN. § 14:93.1 (West 2025) (model glue; use of; abuse of toxic vapors; unlawful sales to minors; penalties) • LA. STAT. ANN. § 40:989 (West 2025) (dangerous chemical substances; butyl nitrite, nitrous oxide, and amyl nitrite; use and transference; penalties)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1997 (§ 14:93.1) • August 1, 2025 (§ 40:989)
Criminal provisions related to inhalants	<p>§ 14:93.1 defines “model glue” to mean any glue or cement of the type commonly used in the building of model airplanes, boats, and automobiles and which contains one or more of the listed substances which include, but are not limited to, hexane, acetone, toluene, and ethyl acetate, or any other solvent, material, substance, chemical, or combination thereof having the property of releasing toxic vapors.</p> <p>It further defines “abuse of toxic vapors” to mean to smell or inhale the fumes of any solvent, material, substance, chemical, or combinations thereof having the property of releasing toxic vapors for the purpose of causing a condition of or inducing a symptom included in this section.</p> <p>It provides that it is unlawful for any person to:</p> <ol style="list-style-type: none"> (1) Intentionally smell or inhale the fumes of any type of model glue or toxic vapors for the purpose of causing a condition of or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system; or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This provision does not apply to the inhalation of any anesthesia for medical or dental purposes; (2) Sell any type of model glue to a minor for any reason whatsoever; or (3) Sell or otherwise transfer possession of any type of model glue to any minor for any purpose whatsoever, unless the minor receiving possession is the child or ward of and under the lawful custody of the vendor, donor, or transferor of the glue. <p>A violation of any of these provisions is a misdemeanor punishable by a fine of not less than \$25 or more than \$100 or</p>

LOUISIANA**Criminal provisions related to inhalants, cont'd**

imprisoned for not more than 90 days for each such offense or both.

§ 40:989 provides that it is unlawful for any person to inhale, ingest, use, or possess any compound, liquid, gas, or chemical which contains one of the listed nitrites. It is also unlawful for any person to inhale, ingest, use, or possess any compound, liquid, gas, or chemical which contains nitrous oxide, commonly known as “laughing gas,” and any amyl nitrite, commonly known as “poppers” or “snappers.” Any person who violates this provision shall be fined not more than \$2,500 or imprisoned with or without hard labor for not more than one year or both.

The provisions of this section do not apply to:

- (1) The possession and use of these substances by a person who is at least 21 years of age when prescribed as part of the care or treatment of a disease, condition, or injury by a licensed medical or dental practitioner;
- (2) The possession and use of these substances as part of a manufacturing process or industrial operation by a manufacturer or a person who is at least 21 years of age and employed by the manufacturer;
- (3) The possession, use, or sale of nitrous oxide as a propellant in food preparation for restaurant or food service;
- (4) The possession, use, or sale of houseware products by a person at least 21 years of age; or
- (5) The possession, use, or sale of nitrous oxide for automotive purposes by a person at least 21 years of age.

It provides that the presence of additional flavoring in a substance or labeling on any part of a container of the substance referring to the contents being flavored shall create a rebuttable presumption against the exceptions listed above.

It is also unlawful for any person, entity, business, or corporation, including an online retailer, to produce, manufacture, possess, buy, sell, or otherwise transfer any substance specified in this section or otherwise violate the provisions of this section. Whoever violates this provision shall be fined not more than \$25,000 or imprisoned with or without

<u>LOUISIANA</u>	
Criminal provisions related to inhalants, cont'd	hard labor for not more than one year or both. Any person, entity, business, or corporation that violates this provision and possesses a certificate, permit, or license issued by the commissioner of alcohol and tobacco control shall have its certificate, permit, or license suspended for 30 days upon the first violation. It shall be revoked upon a second violation.
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	§ 40:989 provides that any person who violates the provisions of this section may, in the discretion of the trial judge, be required to participate in an approved drug rehabilitation program as a condition of probation.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>MAINE</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ME. REV. STAT. ANN. tit. 22, § 2383 (West 2026) (possession) • ME. REV. STAT. ANN. tit. 22, § 2383-C (West 2026) (unlawful use or possession of inhalants)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • July 1, 2004 (§ 2383) • August 1, 2018 (§ 2383-C)
Criminal provisions related to inhalants	<p>22, § 2383 provides that a person who possesses a usable amount of butyl nitrite or isobutyl nitrite commits a civil violation for which a fine of not more than \$200 may be adjudged.</p> <p>22, § 2383-C provides that a person may not intentionally or knowingly:</p> <ol style="list-style-type: none"> (1) Inhale, ingest, apply, or smell the gases, vapors, or fumes of any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors or fumes for the purpose of causing intoxication, euphoria, inebriation, excitement, stupefaction, or the dulling of the person's brain or nervous system; or (2) Possess any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors with the intent to violate paragraph (1). <p>This section does not apply to the inhalation of anesthesia for medical or dental purposes or the inhalation of the vapors or fumes of an alcoholic beverage, the sale and consumption of which is authorized by law.</p> <p>Proof that a person knowingly or intentionally inhaled, ingested, applied, or used a substance in a manner contrary to the directions for use, cautions, or warnings on a label of a container of the substance gives rise to a presumption that the person violated paragraphs (1) and (2). A person who violates this section commits a civil violation for which a forfeiture must be adjudged of not less than \$100 or more than \$300 for a first offense; not less than \$200 or more than \$500 for a second offense; and \$500 for the third and each subsequent offense.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	22, § 2383-C provides that, in addition to the civil forfeitures listed above, the judge may order a person to undergo evaluation, education, or treatment with a licensed social

<u>MAINE</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	worker or a licensed substance use disorder counselor. If the judge does so, the judge may suspend the required forfeiture.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>MARYLAND</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MD. CODE ANN. CRIM. LAW §§ 5-708 and 5-709 (West 2026) (included within “Other Substances”) • MD. CODE ANN. EDUC. § 7-428 (West 2026) (inhalant abuse awareness)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • October 1, 2002 (§§ 5-708 and 5-709) • July 1, 2007 (§ 7-428)
Criminal provisions related to inhalants	<p>CRIM. LAW § 5-708 applies to fingernail polish, model airplane glue, or any other substance that causes intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system when smelled or inhaled. It does not apply to the inhalation of anesthesia for medical or dental purposes or controlled substances.</p> <p>It prohibits individuals from deliberately smelling or inhaling a substance listed above in an amount that causes intoxication, excitement, stupefaction, or dulling of the brain or nervous system. This applies to a drug or any other noxious substance or chemical that contains an aldehyde, butane, butyl nitrite, a chlorinated or fluorinated hydrocarbon, ether, a ketone, methyl benzene, nitrous oxide, an organic acetate, or another substance containing solvents releasing toxic vapors. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding six months or a fine not exceeding \$500 or both.</p> <p>CRIM. LAW § 5-709 provides that a person may not distribute or possess with intent to distribute to another a substance listed in § 5-708 (see above) with intent to induce unlawful inhaling of the substance or with the knowledge that the other will unlawfully inhale the substance. “Distribute” includes actual, constructive, or attempted transfer, exchange, or delivery, regardless of remuneration or agency relationship.</p> <p>A person may not instruct another in the practice of inhaling or smelling that is prohibited under § 5-708 or distribute a butane canister to a minor.</p> <p>A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$1,000 or both.</p>
Restrictions on sales	None

<u>MARYLAND</u>	
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	<p>EDUC. § 7-428 requires the Department of Education (department), in collaboration with the Department of Health, to provide awareness and training for directors of student services in local education agencies on inhalant abuse. It also requires the Department of Health to provide to the department:</p> <ul style="list-style-type: none"> (1) Resource information on inhalant abuse to be distributed to local school supervisors of health, counseling, and psychology; and (2) Materials for distribution that describe local, state, and national resources to which students, parents, counselors, and school personnel can refer for information on inhalant abuse.
Recently proposed legislation	None

<u>MASSACHUSETTS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MASS. GEN. LAWS ANN. ch. 90, § 24 (West 2026) (driving while under influence of intoxicating liquor, etc.; second and subsequent offenses; punishment; treatment programs; reckless and unauthorized driving; failure to stop after collision) • MASS. GEN. LAWS ANN. ch. 90, § 24d (West 2026) (probation of persons convicted of driving under the influence; driver alcohol education program; alcohol treatment and rehabilitative programs; fees; indigents; gifts and grants; report) • MASS. GEN. LAWS ANN. ch. 111E, § 9a (West 2026) (incapacitated persons placed into protective custody without consent for transport to appropriate emergency medical treatment) • MASS. GEN. LAWS ANN. ch. 123, § 35 (West 2026) (commitment of alcoholics or substance abusers) • MASS. GEN. LAWS ANN. ch. 270, §§ 18 and 19 (West 2026) (included within “Crimes against Public Health”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1966 (270, § 18) • 1970 (270, § 19) • November 8, 2010 (123, § 35) • July 1, 2016 (111E, § 9a) • April 13, 2018 (90, §§ 24 and 24d)
Criminal provisions related to inhalants	<p>90, § 24 provides that whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which the members of the public have access as invitees or licensees, operates a motor vehicle while under the influence from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in 270, § 18 (see below) shall be punished by a fine of not less than \$500 nor more than \$5,000 or by imprisonment for not more than two and one-half years or both.</p> <p>270, § 18 provides that no person shall intentionally smell or inhale the fumes of any substance having the property of releasing toxic vapors for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses or nervous system, nor possess, buy, or sell any such substances for the purpose of violating or aiding another to violate this section. This section does not apply to the inhalation of anesthesia for medical or dental purposes. Whosoever violates this section shall be punished by a fine of not more than \$200 or by imprisonment for not more than six months or both.</p>

<u>MASSACHUSETTS</u>	
Restrictions on sales	<p>270, § 19 provides that any person who sells glue or cement (defined as any glue or cement that contains a solvent or chemical having the property of releasing toxic vapors) to a minor shall require such minor to properly identify himself and write his name and address legibly in a permanently bound register. The seller shall keep such register available for police inspection for a period of six months after the last sale is recorded therein. No such glue or cement shall be sold to a minor unless it contains allyl isothiocyanate (oil of mustard) or some other equally effective and safe deterrent against smelling or inhaling the fumes of such glue or cement. Whosoever violates this section shall be punished by a fine of not more than \$200 or by imprisonment for not more than six months or both.</p>
Prevention, treatment, education provisions related to inhalants	<p>90, § 24 permits the court to order a person convicted of driving while under the influence from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors to participate in a driver education or a drug treatment or drug rehabilitation program, or a combination of such programs.</p> <p>90, § 24d provides that a person convicted of driving while under the influence from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in 270, § 18 may, if such person consents, be placed on probation and, as a condition of such probation, be assigned to an alcohol or controlled substance abuse treatment or rehabilitation program. If such person was under the age of 21 when the offense was committed, the person shall be assigned to a program specifically designed by the department of public health for the education and treatment of drivers who operate a motor vehicle while under the influence of a substance having the property of releasing toxic vapors. This section applies to any person who has never previously been convicted of violating 90, § 24 or assigned to a treatment or rehabilitation program because of a like offense or who has been convicted 10 years or more before the date of the commission of the offense from which he is to be sentenced, once in a lifetime.</p> <p>111E, § 9a defines “incapacitated” to mean the condition of a person who, by reason of the consumption of a controlled substance or toxic vapor or other substance other than alcohol is unconscious, in need of medical attention, likely to suffer or cause physical harm or damage property, or disorderly.</p>

<u>MASSACHUSETTS</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	<p>It provides that any person who is incapacitated may be placed in protective custody by a police officer without the person's consent for the purpose of immediately transporting the person to an acute care hospital or satellite emergency facility or otherwise immediately obtaining appropriate emergency medical treatment.</p> <p>123, § 35 defines "substance use disorder" to include the intentional inhalation of toxic vapors by a person to the extent that such use substantially injures the person's health or substantially interferes with the person's social or economic functioning or the person has lost the power of self-control over the use of such toxic vapors.</p> <p>This section permits certain individuals to petition a court for an order of commitment of a person whom he or she has reason to believe has a substance use disorder and sets forth the various requirements for involuntary commitment of such person.</p>
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal and State Legislation .

<u>MICHIGAN</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MICH. COMP. LAWS ANN. §§ 333.7453 and 333.7455 (West 2026) (included within “Offenses and Penalties”) • MICH. COMP. LAWS ANN. §§ 752.271 to 752.273 (West 2026) (collectively “Chemical Agents”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • March 20, 1970 (§§ 752.271 to 752.272) • January 1, 2001 (§ 752.273) • August 8, 2018 (§§ 752.272a and 752.272b) • June 10, 2024 (§§ 333.7453 and 333.7455)
Criminal provisions related to inhalants	<p>§ 333.7453 (sale of object designed for inhaling nitrous oxide or drug paraphernalia; prohibitions; notice of violation; compliance as defense) provides that, subject to the provisions of this section, a person shall not sell or offer for sale an object specifically designed for inhaling nitrous oxide for recreational purposes knowing that the object will be used to inhale nitrous oxide for recreational purposes. Before a person is arrested for a violation of this section, he or she shall be notified by the attorney general or a prosecuting attorney in writing, not less than two business days before the arrest, that he or she is in possession of specific, defined material that has been determined to be an object specifically designed for inhaling nitrous oxide for recreational purposes. The notice must also request that the individual refrain from selling or offering for sale the material and must state that if the person complies with the notice, no arrest will be made for a violation. If a person complies with such notice, the compliance is a complete defense in a prosecution under this section, as long as the compliance continues.</p> <p>§ 333.7455 (violations of § 333.7453; penalties) provides that a person who violates § 333.7453 is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$5,000 or both. A person 18 years of age or older who violates § 333.7453 by selling or offering to sell an object specifically designed for inhaling nitrous oxide for recreational purposes to a person less than 18 years of age is guilty of a misdemeanor, punishable by imprisonment for not more than one year or a fine of not more than \$7,500 or both.</p> <p>§§ 752.271 to 752.273 set forth criminal provisions related to “chemical agents,” defined pursuant to § 752.271 (“chemical agent” defined) as any substance containing a toxic chemical or organic solvent or both, having the property of releasing toxic vapors. The term includes, but is not limited to, glue, acetone,</p>

<u>MICHIGAN</u>	
Criminal provisions related to inhalants, cont'd	<p>toluene, carbon tetrachloride, hydrocarbons, and hydrocarbon derivatives.</p> <p>§ 752.272 (introduction of chemical agent into respiratory or circulatory system) provides that no person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system, intentionally smell or inhale the fumes of any chemical agent or intentionally drink, eat, or otherwise introduce any chemical agent into his respiratory or circulatory system. This section does not prohibit the inhalation of anesthesia for medical or dental purposes.</p> <p>§ 752.272a (nitrous oxide; sale or distribution; penalties) provides that a person shall not sell or otherwise distribute to another person any device that contains any quantity of nitrous oxide or sell or otherwise distribute a device to dispense nitrous oxide for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system. This subsection does not apply to nitrous oxide that has been denatured or otherwise rendered unfit for human consumption or to any of the following:</p> <ol style="list-style-type: none"> (1) A person licensed under the food law who sells or otherwise distributes the device as a grocery product; (2) A person engaged in the business of selling or distributing catering supplies only or food processing equipment only, or selling or distributing compressed gasses for industrial or medical use who sells or otherwise distributes the device in the course of that business; (3) A pharmacist, pharmacist intern, or pharmacy who dispenses the device in the course of his or her duties; or (4) A healthcare professional. <p>A person who violates this subsection is guilty of a crime as follows:</p> <ol style="list-style-type: none"> (1) Except as provided in paragraphs (2) and (3), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100 or both; (2) If the person has one prior conviction, he or she is guilty of a misdemeanor punishable by imprisonment for not

<u>MICHIGAN</u>	
Criminal provisions related to inhalants, cont'd	<p>more than one year or a fine of not more than \$500 or both; and</p> <p>(3) If the person has two or more prior convictions, he or she is guilty of a felony punishable by imprisonment for not more than four years or a fine of not more than \$2,000 or both.</p> <p>§ 752.273 (penalties for violations) provides that, except as otherwise provided in § 752.272a, a person who violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100 or both.</p>
Restrictions on sales	<p>§ 752.272a (nitrous oxide; sale or distribution; penalties) provides that, except as otherwise set forth in this section, a person shall not sell or otherwise distribute a device that solely contains nitrous oxide to a person under the age of 18 for any purpose unless the person is accepting delivery of such device in his or her capacity as an employee. A person who knowingly sells or distributes a device that solely contains nitrous oxide to a person under 18 or who fails to make diligent inquiry as to whether a person is a minor, is liable for a civil fine and may be ordered to pay not more than \$500. Section 752.272b (action to recover civil fine) permits the attorney general or prosecuting attorney to bring an action to recover the civil fine.</p>
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>MINNESOTA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MINN. STAT. ANN. § 325F.078 (West 2025) (sales of aerosol dusters containing 1,1-difluoroethane (DFE)) • MINN. STAT. ANN. § 609.684 (West 2025) (abuse of toxic substances)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1997 (§ 609.684) • January 1, 2025 (§ 325F.078)
Criminal provisions related to inhalants	<p>§ 609.684 defines “toxic substance” to mean:</p> <ol style="list-style-type: none"> (1) Glue, cement, or aerosol paint containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) Butane or butane lighter; or (3) Any similar substance declared to be toxic to the central nervous system and to have a potential for abuse by a rule adopted by the commissioner of health. <p>A person is guilty of a misdemeanor who uses or possesses any toxic substance with the intent of inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor. A person is guilty of a misdemeanor who intentionally aids another in violation of this subdivision.</p>
Restrictions on sales	<p>§ 325F.078 defines “aerosol duster” to mean a product used to clean electronics and other items by means of an aerosol sprayed from a pressurized container. It provides that a retailer must only sell an aerosol duster that contains 1,1-difluoroethane (DFE) from behind the counter, to a purchaser who presents valid evidence that the purchaser is at least 21 years of age, and in a quantity that complies with the purchasing limit set forth below.</p> <p>A retailer may not sell more than three cans of an aerosol duster containing DFE to a customer in a single transaction and may not sell aerosol dusters containing DFE through same-day pickup or same-day delivery services.</p> <p>The provisions of this section do not apply to a business purchasing aerosol dusters online. Office wholesalers can sell more than three cans to a business with which they have a contract.</p>

<u>MINNESOTA</u>	
Restrictions on sales, cont'd	<p>An aerosol duster manufactured after May 31, 2025, must not be sold in this state unless it clearly warns against the dangers of intentionally misusing duster aerosol products. The label on each container must contain the words “DANGER: DEATH! Breathing this product to get high can kill you!” and the poison control number.</p> <p>A person who violates these provisions is guilty of a misdemeanor. It is an affirmative defense to a charge that the defendant sold an aerosol duster to a person under 21 years of age if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in § 340A.503(6).</p> <p>§ 609.684 provides that a business establishment that offers for sale at retail any toxic substance must display a conspicuous sign that contains language advising that it is a misdemeanor for a person to use or possess glue, cement, aerosol paint, with the intent of inducing intoxication, excitement, or stupefaction of the central nervous system and that this use can be harmful or fatal. A business establishment that does not sell any toxic substance listed in the definition of “toxic substance” (see above) other than butane or butane lighters is not required to post a notice under this paragraph.</p>
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>MISSISSIPPI</u>	
Statute(s) and regulation(s)	MISS. CODE ANN. § 97-27-33 (West 2026) (model glue)
Effective date(s) of most recent substantive amendment	July 12, 1968 (§ 97-27-33)
Criminal provisions related to inhalants	<p>§ 97-24-33 provides that it is unlawful for any person to intentionally smell or inhale the fumes of any type of model glue for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system; or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes.</p> <p>It defines “model glue” to mean any glue or cement of the type commonly used in the building of model airplanes, boats, and automobiles and which contains one or more of the listed solvents that include, but are not limited to, hexane, acetone, toluene, ethyl acetate, isopropanol, or any other solvent, material, substance, chemical, or combination thereof having the property of releasing toxic vapors.</p> <p>It is unlawful for any person to sell or otherwise transfer possession of any type of model glue to any minor for any purpose whatsoever, unless the minor receiving possession of the model glue is the child or ward of and under the lawful custody of such person.</p> <p>Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or imprisoned for not more than 90 days or both, for each such offense.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal or State Legislation .

<u>MISSOURI</u>	
Statute(s) and regulation(s)	MO. ANN. STAT. §§ 579.097 to 579.103 (West 2025) (included within “Inhalation of Certain Substances”)
Effective date(s) of most recent substantive amendment	2009 (§§ 579.097 to 579.101)
Criminal provisions related to inhalants	<p>§ 579.097 (inhalation or inducing others to inhale solvent fumes to cause certain reactions, prohibited—exceptions) prohibits any person from smelling or inhaling the fumes of any solvent, particularly tuluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues or inducing any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This section does not apply to the inhalation of anesthesia for medical or dental purposes.</p> <p>§ 579.099 (inducing, or possession with intent to induce, symptoms by use of certain solvents and other substances, prohibited) provides that no person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distorting of audio, visual, or mental processes by the use or abuse of any of the listed substances which include the solvents listed in § 579.097 above as well as ethyl alcohol.</p> <p>This section does not apply to substances approved as a therapeutic drug product or which are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.</p> <p>Additionally, no person shall intentionally possess any of the listed solvents for the purpose of using it in the manner prohibited by § 579.079 and this section.</p> <p>§ 579.101 (possession or purchase of solvents to aid others in violations, prohibited—penalty) prohibits any person from intentionally possessing or buying any solvent, particularly those listed in § 579.097, for the purpose of inducing or aiding any other person to violate the provisions of §§ 579.097 or</p>

<u>MISSOURI</u>	
Criminal provisions related to inhalants, cont'd	<p>579.099. any person who violates any provision of §§ 579.097 to 579.101 is guilty of a Class B misdemeanor for the first violation and a Class E felony for any subsequent violations.</p> <p>§ 579.103 (selling or transferring solvents to cause certain symptoms, penalty—certain businesses prohibited from selling, penalty) provides that a person commits the offense of selling or transferring solvents to cause certain symptoms if he or she knowingly and intentionally sells or otherwise transfers possession of any solvent, particularly those listed in § 579.097, to any person for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes.</p> <p>It also prohibits any person who owns or operates any business which receives over 50 percent of its gross annual income from the sale of alcoholic beverages or beer, or which operates as a venue for live entertainment performance, or receives 50 percent of its gross annual income from the sale of recorded video entertainment, shall sell or offer for sale any of the solvents listed in § 579.097 or any toxic glue.</p> <p>Violation of this section is a Class D felony.</p>
Restrictions on sales	See description of § 579.103 above.
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>MONTANA</u>	
Statute(s) and regulation(s)	MONT. CODE ANN. § 45-9-121 (West 2025) (criminal possession of toxic substance—penalty)
Effective date(s) of most recent substantive amendment	October 1, 2009 (§ 45-9-121)
Criminal provisions related to inhalants	<p>§ 45-9-121 provides that a person commits the offense of criminal possession of a toxic substance if the person inhales or ingests or possesses with the purpose to inhale or ingest, for the purpose of altering the person's mental or physical state, any substance with toxic effects that is not manufactured for human consumption or inhalation, including, but not limited to, glue, fingernail polish, paint, paint thinners, petroleum products, aerosol propellants, and chemical solvents. The provisions of this section do not apply to a bona fide institution of higher education conducting research with human volunteers pursuant to guidelines adopted by the institution or any federal or state agency.</p> <p>A person convicted under this section shall be imprisoned in the county jail for a term not to exceed six months or fined an amount not to exceed \$500 or both.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>NEBRASKA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • NEB. REV. STAT. ANN. § 28-419 (West 2026) (inhaling or drinking certain intoxicating substances; unlawful) • NEB. REV. STAT. ANN. § 28-1484 (West 2026) (nitrous oxide; acts prohibited; violation; penalty; seizure, forfeiture, and destruction, when; deceptive trade practice)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 2007 (§ 28-419) • September 3, 2025 (§ 28-1484)
Criminal provisions related to inhalants	<p>§ 28-419 provides that no person shall breathe, inhale, or drink any compound, liquid, or chemical containing a list of chemical substances that includes, but is not limited to, acetate, acetone, benzene, ethyl alcohol, isopropanol, ketone, toluene, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, inebriation, excitement, or irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, mental, or nervous processes. For the purposes of §§ 28-419 to 28-424, any such condition so induced shall be deemed an intoxicated condition.</p> <p>§ 28-1484 defines “flavored nitrous oxide product” to mean a nitrous oxide product:</p> <ol style="list-style-type: none"> (1) Having the taste or smell of any food, including, but not limited to, any fruit, candy, dessert, alcoholic beverage, herb, or spice, that is distinguishable by an ordinary customer either prior to or during consumption or use of the product; (2) That is marketed as having the taste or smell of any food, including, but not limited to, any fruit, candy, dessert, alcoholic beverage, herb, or spice; or (3) Regarding which the manufacturer, seller, or any person authorized by, or acting with the consent of, the manufacturer or seller, has made a public statement or claim, whether express or implied, that such product has the taste and smell of any food, including, but not limited to, any fruit, candy, dessert, alcoholic beverage, herb, or spice. <p>It provides that a business entity or corporation shall not sell, including by delivery sale, offer for sale, give, furnish, or distribute to any consumer in this state a nitrous oxide product or flavored nitrous oxide product or willingly allow such products to be taken from such business entity or corporation</p>

<u>NEBRASKA</u>	
Criminal provisions related to inhalants, cont'd	<p>by any person. This does not apply to a nitrous oxide product, other than a flavored nitrous oxide product, that:</p> <ol style="list-style-type: none"> (1) Has been denatured or otherwise rendered unfit for human consumption use; (2) Is intended for use by a manufacturer as part of a manufacturing process or industrial operation; (3) Is intended for use for automotive purposes; (4) Is prescribed as part of the care or treatment of a disease, condition, or injury by a licensed medical or dental practitioner; or (5) Is a propellant in food or in food preparation for restaurant, food service, or houseware products. <p>A violation of this section is a Class II misdemeanor for a first offense, a Class I misdemeanor for a second or subsequent offense. An offender shall also be subject to a civil penalty of \$2,500 for a first or subsequent offense.</p> <p>All nitrous oxide products or flavored nitrous oxide products that are sold, offered for sale, given, or furnished in violation of this section are subject to seizure, forfeiture, and destruction. In addition to any other penalty, a violation of this section shall constitute a deceptive trade practice and shall be subject to any remedies or penalties available for a violation of such act.</p> <p>Any common carrier that knowingly transports nitrous oxide products or flavored nitrous oxide products for a business entity or corporation that is in violation of this section is guilty of a Class II misdemeanor.</p> <p>This section does not apply to:</p> <ol style="list-style-type: none"> (1) The shipment of nitrous oxide products or flavored nitrous oxide products to a foreign-trade zone and that is located in this state if the products are from outside this country, were ordered by a distributor in another state, and are not distributed in this state; or (2) A government employee who is acting in the course of the employee's official duties.
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None

<u>NEBRASKA</u>	
Miscellaneous provisions	None
Recently proposed legislation	None

<u>NEVADA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • NEV. REV. STAT. ANN. § 454.323 (West 2025) (sale or distribution of product containing toluene to person less than 18 years of age) • NEV. REV. STAT. ANN. § 454.346 (West 2025) (use or possession with intent to use drug, chemical, poison, or organic solvent to induce euphoria or hallucinations unlawful; exception)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1983 (§§ 454.323 and 454.346)
Criminal provisions related to inhalants	<p>§ 454.323 provides that, except as otherwise provided in this section, any person who sells or gives aerosol paint, glue, or cement containing toluene to a person who is less than 18 years of age is guilty of a gross misdemeanor. The court shall suspend for one year the state business license of a person who knowingly violates any provision of this section after having previously been convicted of a violation of this section unless the person can demonstrate that he or she attempted to comply in good faith with this section.</p> <p>The provisions of this section do not apply to the sale of:</p> <ol style="list-style-type: none"> (1) Gasoline or other fuel for motor vehicles; (2) Aerosol paint, glue, or cement containing less than the minimum amount of toluene which is subject to the requirements for special labeling established pursuant to federal law; or (3) Glue or cement which is included in a kit used for the construction of model airplanes, automobiles, boats, or trains, or which is used in connection with another hobby. <p>§ 454.346 provides that any person who inhales, ingests, applies, or otherwise uses or possesses with the intent to inhale, ingest, apply, or otherwise use any drug, chemical, poison, or organic solvent, or any compound or combination of any drug, chemical, poison, or organic solvent in any manner contrary to the directions for use, cautions, or warnings appearing on the label thereof, in order to create or induce a condition of intoxication, euphoria, hallucination, or elation, or to change, distort, or disturb his or her eyesight, thinking processes, balance, or coordination or to affect his or her central nervous system is guilty of a misdemeanor. The provisions of this section do not apply to a person who uses or intends to use any</p>

<u>NEVADA</u>	
Criminal provisions related to inhalants, cont'd	drug, chemical, poison, or organic solvent for medicinal purposes under the supervision of a physician, when the drug, chemical, poison, or organic solvent is used or intended for use in keeping with the directions for use as given by the physician.
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>NEW HAMPSHIRE</u>	
Statute(s) and regulation(s)	N.H. REV. STAT. ANN. § 644:5-a (2026) (inhaling toxic vapors for effect)
Effective date(s) of most recent substantive amendment	January 1, 2006 (§ 644:5-a)
Criminal provisions related to inhalants	§ 644:5-a provides that a person is guilty of a violation if he or she purposely smells or inhales the fumes of any substance having the property of releasing toxic vapors, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, or possesses, buys, or sells any such substance for the purpose of violating or aiding another to violate this section. This section does not apply to the inhalation of anesthesia for medical or dental purposes.
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal and State Legislation .

<u>NEW JERSEY</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • N.J. STAT. ANN. § 2C:35-10.4 (West 2025) (toxic chemicals) • N.J. STAT. ANN. § 18A:40A-9 (West 2025) (definitions) • N.J. STAT. ANN. §§ 24:6G-1 to 24:6G-6 (West 2025) (collectively “Nitrous Oxide”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • September 3, 1982 (§§ 24:6G-1, 24:6G-3, and 24:6G-6) • January 13, 1988 (§ 18A:40A-9) • December 10, 1992 (§ 24:6G-2) • January 29, 2007 (§ 2C:35-10.4)
Criminal provisions related to inhalants	<p>§ 2C:35-10.4 defines “toxic chemicals” to mean any chemical or substance having the property of releasing toxic fumes and includes, but is not limited to, acetone, acetate, benzene, ethyl alcohol, nitrous oxide, toluene, and any glue, cement, adhesive, paint remover, or other substance containing a chemical capable of releasing vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.</p> <p>It provides that a person commits a disorderly persons offense if the person inhales the fumes of any toxic chemical or possesses any toxic chemical for the purpose of causing a condition of intoxication. This subsection does not apply to the possession and use of nitrous oxide or any material containing nitrous oxide for the purpose of medical, surgical, or dental care by a person duly licensed to administer nitrous oxide.</p> <p>It further provides that a person commits a fourth degree offense if the person sells, or offers to sell, any substance containing a toxic chemical knowing that the intended use of the product is to cause a condition of intoxication, or knowing that the product does not include an additive required by the commissioner of the Department of Health and Senior Services to discourage the inhalation of vapors of toxic chemicals for the purpose of causing a condition of intoxication. This subsection does not apply to adhesives manufactured only for industrial application or to the sale of nitrous oxide or any material containing nitrous oxide lawfully distributed pursuant to law.</p> <p>§ 39:4-50 provides that a person who operates a motor vehicle while under the influence of, among other things, a narcotic, hallucinogenic, or habit-producing drug, or permits another person who is under the influence of, among other things, a narcotic, hallucinogenic, or habit-producing drug to operate a motor vehicle which the person owns or is in the person’s</p>

<u>NEW JERSEY</u>	
Criminal provisions related to inhalants, cont'd	<p>custody or control shall be subject to certain penalties and fines depending on whether it is a first or subsequent offense.</p> <p>“Narcotic, hallucinogenic, or habit-producing drug” is defined to include an inhalant or other substance containing a chemical capable of releasing any toxic vapors or fumes for the purpose of inducing a condition of intoxication, such as any glue, cement, or any other substance containing one of the listed chemical compounds which include, but are not limited to, acetone, acetate, benzene, butyl nitrite, ethyl alcohol, nitrous oxide, toluene, or any other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.</p> <p>See the description of § 24:6G-6 below.</p>
Restrictions on sales	<p>§§ 24:6G-1 to 24:6G-6 set forth the requirements for nitrous oxide. § 24:6G-1 (control or possession without written permit; prohibition; exceptions) provides that it is unlawful for any person or persons, except a duly licensed physician, dentist, veterinarian, nurse, hospital, sanitarium or other medical institution, or a resident physician or intern of a hospital, sanitarium, or other medical institution, to have under control or possess nitrous oxide in any form unless the person obtains a written permit issued by the Department of Health; except that no person under 19 years of age shall have under his control or possess nitrous oxide.</p> <p>§ 24:6G-2 (nonmedical use; permits; prohibition of sale, distribution, or dispensation to persons under 19) provides that when nitrous oxide is sold for nonmedical use, both the seller and buyer must obtain a written permit from the Department of Health; except that if the seller is authorized as a distributor or wholesaler of nitrous oxide or if the nitrous oxide is to be used in food preparation, the seller or buy does not have to obtain a permit. A permit shall contain the name, address, and other location of the person who requests the permit and a registration number assigned by the Department of Health. The buyer shall state the intended use of the nitrous oxide on the permit. Notwithstanding these provisions, no person shall sell, distribute, or dispense nitrous oxide to any person under 19 years of age.</p>

<u>NEW JERSEY</u>	
Restrictions on sales, cont'd	<p>§ 24:6G-3 (record of sale; inspection) requires every person who sells or furnishes nitrous oxide to retain a record of the sale for a period of two years. The record shall contain the name and address of the buyer, the buyer's permit number, date of sale, and amount purchased. Records shall be open to inspection by any public officer or employee engaged in the enforcement of this section.</p> <p>§ 24:6G-6 (violations; penalties; recovery and enforcement) provides that the penalties for violating any provisions of this act shall be as provided by law. Such penalties shall be recovered and enforced in the same manner and in accordance with the procedure detailed in chapter 17 of Title 24 of the Revised Statutes. In addition, any person violating the provisions of this act may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall not exceed six months.</p>
Prevention, treatment, education provisions related to inhalants	<p>Included within the provisions related to prevention and treatment referral programs, § 18A:40A-9 defines "substance" to include any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes. It defines "substance use" to mean the consumption or use of any substance for purposes other than treatment of sickness or injury as prescribed or administered by a person authorized by law to treat sick and injured humans.</p> <p>§ 39:4-50, related to driving under the influence, provides that a person convicted under this section must satisfy the screening, evaluation, referral, program, and fee requirements of the Division of Mental Health and Addiction Services' Intoxicated Driving Program, and of the Intoxicated Driver Resource Centers and a program of substance use disorder education and highway safety.</p> <p>It also provides that counties, in cooperation with the Division of Mental Health and Addiction Services and the commission, but subject to the approval of the Division, shall designate and establish on a county or regional basis Intoxicated Driver Resource Centers which shall have the capability of serving as community treatment referral centers and as court monitors of a person's compliance with ordered treatment, service alternative,</p>

<u>NEW JERSEY</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	or community service. Centers shall be administered by a certified counselor and shall be required to develop individualized treatment plans for all individuals attending the centers; provided that the duration of any ordered treatment or referral shall not exceed one year. It shall be the center's responsibility to establish networks with the community substance use disorder education, treatment, and rehabilitation resources and to receive monthly reports from the referral agencies regarding a person's participation and compliance with the program. Upon a person's failure to report the initial screening or any subsequent ordered referral, the center shall promptly notify the sentencing court of the person's failure to comply.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>NEW MEXICO</u>	
Statute(s) and regulation(s)	N.M. STAT. ANN. §§ 30-29-1 to 30-29-2 (West 2025) (collectively “Glues”)
Effective date(s) of most recent substantive amendment	1979 (§§ 30-29-1 and 30-29-2)
Criminal provisions related to inhalants	<p>§ 30-29-1 (glues; limiting the sales; requiring records; penalty) defines “glue” to mean what is commonly referred to as plastic or model airplane cement and includes any cement containing one of a list of substances that includes, but is not limited to, hexane, benzene, toluene, butyl alcohol, and ethyl alcohol.</p> <p>It prohibits any person from selling glue to any person under 18 years of age. It provides that a New Mexico driver’s license shall be prima facie proof of age.</p> <p>It requires wholesale distributors of glue to make available to the health services division of the Department of Health and to law enforcement agencies of the state, county, and municipality during business hours their records of all sales to retailers of glue.</p> <p>Any person violating any provision of this section is guilty of a petty misdemeanor.</p> <p>§ 30-29-2 (glue; aerosol spray; abuse or possession for abuse; penalty) provides that no person shall intentionally smell, sniff, or inhale the fumes or vapors from a glue, aerosol spray product, or other chemical substance for the purpose of causing a condition of or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, stupefaction, or dulling of the senses, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. No person shall intentionally possess a glue, aerosol spray product, or other chemical substance for any purpose set forth above.</p> <p>The provisions of this section do not apply to any aerosol spray product or other chemical substance used for legitimate medicinal purposes and obtained either on a prescription basis or for medicinal purposes by a person over the age of 18.</p> <p>Any person who violates any provision of this section is guilty of a misdemeanor. The sentence or fine may be waived in the discretion of the court in the case of any person who has not</p>

<u>NEW MEXICO</u>	
Criminal provisions related to inhalants, cont'd	been previously convicted of violating this section and who has successfully completed a drug education or treatment program approved by the court.
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>NEW YORK</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • N.Y. GEN. BUS. LAW § 834 (McKinney 2026) (sale of whipped cream chargers) • N.Y. PUB. HEALTH LAW § 3380 (McKinney 2026) (inhalation of certain toxic vapors or fumes, and certain hazardous inhalants; sale of glue and hazardous inhalants in certain cases)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1990 (§ 3380) • November 25, 2021 (§ 834)
Criminal provisions related to inhalants	<p>PUB. HEALTH LAW § 3380 defines “glue containing a solvent having the property of releasing toxic vapors or fumes” to mean and include any glue, cement, or other adhesive containing one or more of the listed chemical compounds that includes, but is not limited to, acetone, cellulose acetate, benzene, butyl alcohol, ethyl alcohol, toluene, or such other similar material as the commissioner shall by regulation prescribe. It defines “hazardous inhalants” to mean and include any of the preparations of compounds containing one or more of the listed compounds that includes, but is not limited to, certain alkyl nitrite compounds that are either designed to be used, or are commonly used, as an inhalant.</p> <p>It provides that no person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, intentionally smell or inhale the fumes from any hazardous inhalants or from any glue containing a solvent having the property of releasing toxic vapors or fumes; provided, that nothing in this section shall be interpreted as applying to the inhalation of any anesthesia or inhalant for medical or dental purposes. No person shall, for the purpose of violating this subsection, use, or possess for the purpose of using, any hazardous inhalants or any glue containing a solvent having the property of releasing toxic vapors or fumes. Any person who violates these provisions is guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than \$50 or by imprisonment for not more than five days or both.</p> <p>Additionally, it provides that no person shall sell, or offer to sell, to any other person any tube or other container of any hazardous inhalants or glue containing a solvent having the property of releasing toxic vapors or fumes:</p>

<u>NEW YORK</u>	
Criminal provisions related to inhalants, cont'd	<p>(1) If he has knowledge that the product sold, or offered for sale, will be used for the purpose set forth in this section; or</p> <p>(2) Unless there has been added to such glue a sufficient quantity of an additive, approved by the commission, which shall act as a deterrent to inhalation, and not be harmful or toxic to the human body. This provision shall not apply to hazardous inhalants or glue manufactured and sold for industrial use.</p> <p>A violation is a Class A misdemeanor.</p> <p>It also provides that it is a Class A misdemeanor for any person to use nitrous oxide for purposes of causing intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system of himself or another.</p>
Restrictions on sales	<p>GEN. BUS. LAW § 834 defines “whipped cream charger” to mean a steel cylinder or cartridge filled with nitrous oxide that is used as a whipping agent in a whipped cream dispenser. It prohibits any person, corporation, partnership, limited liability company, firm, or any other business entity doing business within this state from selling or offering for sale a whipped cream charger to any person under the age of 21. Legal proof of age shall be required before allowing an individual to purchase or receive a shipment of whipped cream chargers. Such identification need not be required of any individual who reasonably appears to be at least 25 years of age; provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale or distribution of whipped cream chargers to an individual under 21 years of age. Violators shall be subject to a civil penalty of not more than \$250 for an initial offense and not more than \$500 for the second and each subsequent offense.</p> <p>PUB. HEALTH LAW § 3380 prohibits any person from selling any canister or other container of nitrous oxide unless granted an exemption pursuant to this subdivision. In no event shall any canister or other container of nitrous oxide be sold to a person under the age of 21 years. This subdivision does not apply to the use of nitrous oxide in industrial, medical, or dental applications, or to specific products which must use nitrous oxide as a propellant provided such products are not sold at retail to the public. The commissioner shall promulgate regulations to exempt specific products which must use nitrous</p>

<u>NEW YORK</u>	
Restrictions on sales, cont'd	<p>oxide, or a mixture of nitrous oxide with other gases, as a propellant from the provisions of this chapter provided such regulations shall prohibit the sale of such products at retail to the public. The provisions of this section shall not be deemed to prohibit the sale of food products containing nitrous oxide provided such products comply with the provisions of AGRIC. & MKTS. LAW § 16-a.</p> <p>The commissioner may, upon application of a manufacturer or seller of a product containing nitrous oxide and intended for sale at retail, authorize the sale of such a product if there is no evidence of substantial misuse of the product and if the manufacturer or seller takes the following steps to:</p> <ol style="list-style-type: none"> (1) Clearly indicate the legitimate purpose or use of the product on the package; (2) Display prominently on the package in heavy type print language which warns of health dangers resulting from the misuse of nitrous oxide; (3) Demonstrate that the product bears a distinctive feature or features enabling it to be clearly distinguished from the nitrous oxide products of other manufacturers; (4) Educate wholesale and retail businesses which sell the product of the dangers of nitrous oxide and the need to monitor its sale; and (5) Prevent the sale of their product to any person, firm, or corporation who or which sells drug-related paraphernalia.
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal and State Legislation .

<u>NORTH CAROLINA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • N.C. GEN. STAT. ANN. §§ 90-113.9 to 90-113.14 (West 2025) (collectively “North Carolina Toxic Vapors Act”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • October 1, 1994 (§ 90-113.13) • July 29, 1995 (§ 90-113.9) • December 1, 2007 (§§ 90-113.10 to 90-113.12) • October 1, 2010 (§ 90-113.14)
Criminal provisions related to inhalants	<p>§ 90-113.9 (definitions) defines “intoxication” to mean drunkenness, stupefaction, depression, giddiness, paralysis, irrational behavior, or other change, distortion, or disturbance of the auditory, visual, or mental processes.</p> <p>§ 90-113.10 (inhaling fumes for purpose of causing intoxication) provides that it is unlawful for any person to knowingly breathe or inhale any compound, liquid, or chemical containing toluol, hexane, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, ethyl alcohol, or any other substance for the purpose of inducing a condition of intoxication. This section does not apply to any person using as an inhalant any chemical substance pursuant to the direction of a licensed medical provider authorized by law to prescribe the inhalant or chemical substance possessed.</p> <p>§ 90-113.11 (possession of substances) provides that it is unlawful for any person to possess any compound, liquid, or chemical containing one of the substances listed in § 90-113.10 which will induce a condition of intoxication through inhalation for the purpose of violating § 90-113.10.</p> <p>§ 90-113.12 (sale of substance) provides that it is unlawful for any person to sell, offer to sell, deliver, give, or possess with the intent to sell, deliver, or give any other person any compound, liquid, or chemical containing one of the substances listed in § 90-113.10 which will induce a condition of intoxication through inhalation if he has reasonable cause to suspect that the product sold, offered for sale, given, delivered, or possessed with the intent to sell, give, or deliver will be used for the purpose of violating § 90-113.10.</p> <p>§ 90-113.13 (violation a misdemeanor) provides that a violation of this article is a Class 1 misdemeanor.</p>
Restrictions on sales	None

<u>NORTH CAROLINA</u>	
Prevention, treatment, education provisions related to inhalants	§ 90-113.14 (conditional discharge for first offenses) provides that whenever individuals have been convicted of inhaling or possessing any substance having the property of releasing toxic vapors or fumes, the court may defer further proceedings and allow the defendant to participate in a drug education program.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>NORTH DAKOTA</u>	
Statute(s) and regulation(s)	N.D. CENT. CODE ANN. § 19-03.1-22.1 (West 2026) (volatile chemicals—inhalation of vapors prohibited—definitions—penalty)
Effective date(s) of most recent substantive amendment	August 1, 2021 (§ 19-03.1-22.1)
Criminal provisions related to inhalants	<p>§ 19-03.1-22.1 provides that an individual is guilty of a Class B misdemeanor if that individual intentionally inhales the vapors of a volatile chemical in a manner designed to affect the individual’s central nervous system; to create or induce a condition of intoxication, hallucination, or elation; or to distort, disturb, or change the individual’s eyesight, thinking processes, balance, or coordination. It is a Class A misdemeanor if that individual violates this section for a third or subsequent offense within one year of the first offense. For a third or subsequent offense, the sentence must include an order for an addiction evaluation by, and compliance with recommendations from, an appropriate licensed addiction treatment program.</p> <p>This section does not apply to inhalations specifically prescribed for medical, dental, or optometric treatment purposes or to controlled substances described in this chapter.</p> <p>“Volatile chemical” includes a list of substances that includes, but is not limited to, acetone, amyl nitrite, butane, chloroform, fluorocarbon, hexane, methanol, nitrous oxide, toluene, and xylol.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>OHIO</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • OHIO REV. CODE ANN. § 2925.01 (West 2026) (definitions) • OHIO REV. CODE ANN. §§ 2925.31 and 2925.32 (West 2026) (included within “Drug Offenses”) • OHIO REV. CODE ANN. § 3719.011 (West 2026) (definitions of controlled substance, drug dependence)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1976 (§ 2925.01) • April 6, 2023 (§ 3719.011) • April 9, 2025 (§§ 2925.31 and 2925.32)
Criminal provisions related to inhalants	<p>§ 2925.01 defines “harmful intoxicant” to mean any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects and includes a list of substances including, but not limited to, any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent; any aerosol propellant; any fluorocarbon refrigerant; any anesthetic gas; gamma butyrolactone; or 1,4 butanediol. “Harmful intoxicant” does not include beer or intoxicating liquor.</p> <p>§ 2925.31 (abusing harmful intoxicants) provides that, except for lawful research, clinic, medical, dental, or veterinary purposes, no person, with the purpose to induce intoxication or similar physiological effects, shall obtain, possess, or use a harmful intoxicant. Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor in the first degree. If the offender has been previously convicted of a drug abuse offense, abusing harmful intoxicants is a felony of the fifth degree. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court shall immediately comply with § 2925.38 (related to convictions of professional licensed individuals).</p> <p>§ 2925.32 (trafficking in harmful intoxicants; improperly dispensing or distributing nitrous oxide) provides that no person shall knowingly dispense or distribute a harmful intoxicant to a person age 18 or older if the person who dispenses or distributes it knows or has reason to believe that the harmful intoxicant will be used in violation of § 2925.31.</p> <p>Additionally, no person shall knowingly dispense or distribute a harmful intoxicant to a person under age 18 if the person who</p>

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Criminal provisions related to inhalants, cont'd	<p>dispenses or distributes it knows or has reason to believe that the harmful intoxicant will be used in violation of § 2925.31. This provision does not apply to the dispensing or distributing of a harmful intoxicant to a person under 18 if a written order from the juvenile’s parent or guardian is provided to the dispenser or distributor or to dispensing or distributing gasoline or diesel fuel to a person under 18 if the dispenser or distributor does not know or have reason to believe the product will be used in violation of § 2925.31. A written order from the parent or guardian of the minor is not required to distribute or dispense gasoline or diesel fuel to the minor.</p> <p>The above provisions do not apply to the dispensing or distributing of nitrous oxide, which is covered by a separate provision that provides that no person shall knowingly dispense or distribute nitrous oxide to a person age 21 or older if the person who dispenses or distributes it knows or has reason to believe the nitrous oxide will be used in violation of § 2925.31. Except for lawful medical, dental, or clinical purposes, no person shall knowingly dispense or distribute nitrous oxide to a person under age 21.</p> <p>It also provides that no person, at the time a cartridge of nitrous oxide is sold to another person, shall sell a device that allows the purchaser to inhale nitrous oxide from cartridges or to hold nitrous oxide released from cartridges for purposes of inhalation. The sale of any such device constitutes a rebuttable presumption that the person knew or had reason to believe that the purchaser intended to abuse the nitrous oxide.</p> <p>A violation of any of the above provisions is the crime of trafficking in harmful intoxicants, a felony of the fifth degree. If the offender previously has been convicted of a drug abuse offense, trafficking in harmful intoxicants is a felony of the fourth degree. If the offender is a professionally licensed person, in addition to any other sanction imposed for trafficking in harmful intoxicants, the court shall immediately comply with § 2925.38 (related to convictions of professional licensed individuals).</p> <p>It is an affirmative defense to a charge of violating the provisions related to knowingly dispensing or distributing a harmful intoxicant to a person under age 18 or dispensing or distributing nitrous oxide to a person under age 21 that:</p>

<u>OHIO</u>	
Criminal provisions related to inhalants, cont'd	<p>(1) The individual exhibited to the defendant or an officer or employee of the defendant, for purposes of establishing the individual's age, a driver's license, permit, or identification card issued by this state for another document that purports to be a license, permit, or identification card;</p> <p>(2) The document appeared to be a genuine, unaltered document, to pertain to the individual, and to establish the individual's age; and</p> <p>(3) The defendant or the officer or employee of the defendant otherwise did not have reasonable cause to believe that the individual was under the age represented.</p> <p>This section does not apply to products used in making, fabricating, assembling, transporting, or constructing a product or structure by manual labor or machinery for sale or lease to another person, or to the mining, refining, or processing of natural deposits.</p>
Restrictions on sales	<p>§ 2925.32 provides that individuals who dispense or distribute nitrous oxide must comply with the record-keeping and labeling and transaction requirements of this section. Failure to comply is the crime of improperly dispensing or distributing nitrous oxide, a misdemeanor of the fourth degree.</p> <p>A person who dispenses or distributes nitrous oxide shall record each transaction on a separate card. The person shall sign and date the card and require the purchaser to sign the card and provide a complete residence address. The person shall retain the card for one year from the date of the transaction at the person's business address and make them available during normal business hours for inspection and copying by officers or employees of the state board of pharmacy or other law enforcement agencies of this state or the United States.</p> <p>The cards shall inform the purchaser of the following:</p> <p>(1) That nitrous oxide cartridges are to be used only for purposes of preparing food;</p> <p>(2) That inhalation of nitrous oxide can have dangerous health effects; and</p> <p>(3) That it is a violation of state law to distribute or dispense cartridges of nitrous oxide to any person under age 21, punishable as a felony of the fifth degree.</p>

<u>OHIO</u>	
Prevention, treatment, education provisions related to inhalants	§ 3719.011 defines “drug of abuse” to include harmful intoxicants as defined in § 2925.01 and “person with a drug dependency” as any person who, by reason of the use of any drug of abuse, is physically, psychologically, or physically and psychologically dependent upon the use of such drug, to the detriment of the person’s health or welfare.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>OKLAHOMA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • OKLA. STAT. ANN. tit. 11, § 28-102b (West 2026) (alcohol and drug abuse evaluation and assessment program) • OKLA. STAT. ANN. tit. 22, § 991a (West 2026) (sentencing powers of court—alcohol and drug assessment and evaluation—restitution, fines, or incarceration—victim impact statements—probation and monitoring—DNA samples) • OKLA. STAT. ANN. tit. 37A, § 6-101 (West 2026) (prohibited acts—violations—penalties) • OKLA. STAT. ANN. tit. 47, § 1-140.1 (West 2026) (“other intoxicating substance” defined) • OKLA. STAT. ANN. tit. 47, § 11-902 (West 2026) (persons under the influence of alcohol or other intoxicating substance or combination thereof—penalty—enhancement) • OKLA. STAT. ANN. tit. 57, § 612 (West 2026) (persons convicted of driving under the influence of alcohol or other intoxicating substance or combination thereof—processing, classification and assignment) • OKLA. STAT. ANN. tit. 63, § 2-407.1 (West 2026) (certain substances causing intoxication, distortion or disturbances of auditory, visual, muscular or mental processes prohibited—exemptions—penalties) • OKLA. STAT. ANN. tit. 63, § 465.20 (West 2026) (smelling, inhaling, etc. of substances which cause unnatural conditions—exemptions—penalties)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • April 13, 1981 (63, § 465.20) • April 19, 1999 (47, § 1-140.1) • November 1, 1999 (57, § 612) • September 1, 2004 (63, § 2-407.1) • November 1, 2010 (11, § 28-102b) • October 1, 2018 (37A, § 6-101) • November 1, 2025 (22, § 991a; 47, § 11-902)
Criminal provisions related to inhalants	<p>37A, § 6-101 provides, among other things, that any person who shall engage in any of the following and disturb the peace of any person:</p> <p style="padding-left: 40px;">(1) In any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink, or otherwise consume an intoxicating substance or intoxicating compound of any kind, or inhale glue, paint, or other intoxicating substance;</p>

<u>OKLAHOMA</u>	
Criminal provisions related to inhalants, cont'd	<p>(2) Be intoxicated in any public or private road, or in any passenger coach, streetcar, or any public place or building, or at any public gathering, from consuming such intoxicating substance or intoxicating compound or from inhalation of glue, paint, or other intoxicating substance; or</p> <p>(3) Be intoxicated from any cause,</p> <p>shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not less than five days not more than 30 days or by both.</p> <p>47, § 1-140.1 defines “other intoxicating substance” to mean any controlled dangerous substance or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor function.</p> <p>47, § 11-902 provides that it is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state who, among other things, is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle. A conviction for a first offense is a misdemeanor and the defendant shall participate in an assessment and evaluation pursuant to this section and follow all recommendations made in the assessment and evaluation, and be punished by imprisonment in jail for not less than 10 days nor more than one year and be fined not more than \$1,000.</p> <p>All subsequent convictions require the defendant to submit to an assessment and evaluation and increase the term of potential imprisonment and the amount of the fine.</p> <p>63, § 2-407.1 provides that for the purpose of inducing intoxication or distortion or disturbance of the auditory, visual, muscular, or mental process, no person shall ingest, use, or possess any compound, liquid, or chemical which contains ethylchloride, butyl nitrite, isobutyl nitrite, secondary or tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or mixtures containing one of those substances. No person shall</p>

<u>OKLAHOMA</u>	
Criminal provisions related to inhalants, cont'd	<p>possess, buy, sell, or otherwise transfer any substance specified above for the purpose of inducing or aiding any other person to inhale or ingest such substance or otherwise violate the provisions of this section.</p> <p>The provisions of this section do not apply to the possession and use of such a substance which is used as part of the care or treatment by a licensed physician of a disease, condition, or injury or pursuant to a prescription of a licensed physician or to the possession of a such a substance which is used as part of a known manufacturing process or industrial operation when the possessor has obtained a permit from the Department of Health.</p> <p>Any person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for a period not to exceed 90 days or by the imposition of a fine not to exceed \$500 or both. Each violation shall be considered a separate offense.</p> <p>63, § 465.20 provides that it shall be unlawful for any person deliberately to smell, inhale, breathe, drink, or otherwise consume any compound, liquid, chemical, controlled dangerous substance, prescription drugs, or any other substance or chemical containing any one of a list of substances that includes, but is not limited to, ketones, acetones, ether, chlorinated hydrocarbons or metallic powders, such as gasoline, glue, fingernail polish, adhesive cement, mucilage, dope, paint dispensed from pressurized containers, or any other substance or combination thereof containing solvents releasing toxic vapors with the intent to cause conditions of intoxication, inebriation, excitement, elation, stupefaction, paralysis, irrationality, dulling of the brain or nervous system, or any other changing, distorting, or disturbing of the eyesight, thinking processes, judgment, balance, or coordination of such person.</p> <p>The provisions of this section shall not pertain to any person who inhales, breathes, drinks, or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist, or podiatrist, nor to the consumption of intoxicating liquor.</p> <p>Any person who violates any provisions of this act relating to inhalation of glue or other substances shall be guilty of a</p>

<u>OKLAHOMA</u>	
Criminal provisions related to inhalants, cont'd	misdemeanor, and upon conviction shall be subject to imprisonment for not more than one year or a fine of not more than \$500 or both.
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	<p>11, § 28-102b provides that, in cases where a person has been convicted of violating a municipal ordinance relating to driving a motor vehicle under the influence of alcohol or other intoxicating substance, prior to sentencing, the person shall be ordered to participate in an alcohol and drug substance abuse evaluation and assessment program. If a report provided to the court indicates that the evaluation and assessment shows that the defendant would benefit from a 10-hour or 24-hour alcohol and drug substance abuse course or a treatment program or both, the municipal court shall, as a condition of any sentence imposed, require the defendant to follow all such recommendations.</p> <p>22, § 991a provides that, except as otherwise provided by law, when a defendant is convicted of a crime and no death sentence is imposed, the court has a number of sentencing options, including to either suspend the execution of the sentence in whole or in part, with or without probation, and may order the convicted defendant at the time of sentencing or at any time during the suspending sentence to do one or more of the items listed in this section including submit to periodic testing for intoxicating substances by a qualified laboratory.</p> <p>Additionally, the court shall, in the case of a person convicted of operating or being in control of a motor vehicle while under the influence of an intoxicating substance or a combination of alcohol and another intoxicating substance, require such person to participate in an alcohol and drug assessment and evaluation, attend a victims impact panel, or both.</p> <p>47, § 11-902 provides that any person found guilty of a violation of the provisions of this section (see additional description above) shall be ordered to participate in an alcohol and drug substance abuse evaluation and assessment program for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person and shall follow all recommendations made in the assessment and evaluation for treatment. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all</p>

<u>OKLAHOMA</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	<p>recommendations from the evaluation, such as an alcohol and substance abuse treatment program. No person, agency, or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed for any treatment program or substance abuse service in which such person, agency, or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participating in or any person from voluntarily utilizing such a treatment program or substance abuse service.</p> <p>57, § 612 provides that any person convicted of violating 47, § 11-902 and sentenced to the Department of Corrections shall be processed, classified, and assigned as follows:</p> <ol style="list-style-type: none"> (1) To the Department of Mental Health and Substance Abuse Services for substance abuse treatment if the person is evaluated to be receptive to treatment and not deemed to be a security risk; (2) To an inpatient substance abuse treatment program; or (3) To a correctional facility when the person is evaluated not to be receptive to treatment, the person is evaluated to be a security risk, or the person requires educational, medical, or other services not available in the community setting.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>OREGON</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • OR. REV. STAT. ANN. § 167.808 (West 2025) (possession and use of inhalants) • OR. REV. STAT. ANN. § 430.272 (West 2025) (inhalant abuse; education resources) • OR. REV. STAT. ANN. § 475.376 (West 2025) (selling aerosol dusters that contain 1,1-Difluoroethane; penalty) • OR. REV. STAT. ANN. § 475.390 (West 2025) (nitrous oxide canisters; prohibition on selling to individual under 18 years of age) • OR. REV. STAT. ANN. §§ 801.317 and 801.321 (West 2025) (included within “General Provisions and Definitions for Oregon Vehicle Code”) • OR. REV. STAT. ANN. § 813.010 (West 2025) (driving under the influence of intoxicants; penalties) • OR. REV. STAT. ANN. §§ 813.020 to 813.040 (West 2025) (included within “General Provisions”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1999 (§§ 801.317, 813.020, and 813.021) • 2011 (§ 430.272) • January 1, 2012 (§ 167.808) • January 1, 2024 (§§ 813.010 and 801.321) • January 1, 2026 (§§ 475.376 and 475.390)
Criminal provisions related to inhalants	<p>§ 167.808 defines “inhalant” to mean any glue, cement, or other substance that is capable of causing intoxication and that contains one or more of the listed chemical compounds including, but not limited to, acetone, butane, butyl acetate, butyl alcohol, chloroform, ethanol or ethyl alcohol, hexane, nitrous oxide, or any other solvent, material, substance, chemical, or combination thereof having the property of releasing toxic vapors or fumes.</p> <p>It provides that it is unlawful for a person to possess any inhalant if the person intends to use the inhalant for the purpose of inducing intoxication in the person who possesses the inhalant or for the purpose of inducing intoxication in any other person. A person may not use any inhalant for the purpose of inducing intoxication in the person using the inhalant or any other person.</p> <p>The prohibitions in this section do not apply to any substance that has been prescribed by a health practitioner and that is used in the manner prescribed by the health practitioner or is administered or used under the supervision of a health practitioner.</p>

<u>OREGON</u>	
Criminal provisions related to inhalants, cont'd	<p>Any person who violates this section commits a Class C violation. In addition to, or in lieu of a fine, a juvenile court may require that a minor who engages in conduct prohibited by this section be provided with treatment and counseling. A second or subsequent violation is a Class B misdemeanor. If a juvenile court finds that a minor has engaged in conduct prohibited by this section on a second or subsequent occasion, the court shall require that the minor receive treatment and counseling.</p> <p>§ 801.317 defines “inhalant,” to mean any glue, paint, cement, or other substance that is capable of causing intoxication and that contains one or more of a list of chemical compounds that includes, but is not limited to, acetone, butane, butyl acetate, chloroform, ethanol or ethyl alcohol, hexane, nitrous oxide, toluene, xylene, or any other solvent, material, substance, chemical, or combination thereof having the property of releasing toxic vapors or fumes. § 801.321 defines “intoxicant” to include inhalants.</p> <p>§ 813.010 provides that a person commits the offense of driving while under the influence of intoxicants if the person drives a vehicle while the person, among other things, is under the influence of an intoxicant or a combination of intoxicants. A person may not be convicted of driving while under the influence of intoxicants on the basis of being under the influence of a controlled substance or an inhalant unless the fact that the person was under the influence of a controlled substance or an inhalant was pleaded in the accusatory instrument and is either proved at trial or is admitted through a guilty plea. Except as otherwise provided, driving while under the influence of intoxicants is a Class A misdemeanor. It is a Class C felony if the current offense was committed in a motor vehicle and the individual has, at least three times in the 10 years prior to the date of the current offense, been convicted of another driving under the influence offense.</p> <p>See descriptions of §§ 475.376 and 475.390 below.</p>
Restrictions on sales	<p>§ 475.376 defines “aerosol duster” to mean a product used to clean electronics and other items by means of an aerosol sprayed from a pressurized container. It provides that an entity that makes retail sales of aerosol dusters that contain 1,1-Difluoroethane (DFE) may not sell an aerosol duster that contains DFE to an individual under 18 years of age. Prior to</p>

<u>OREGON</u>	
Restrictions on sales, cont'd	<p>selling or delivering such a product to an individual, an entity or employee of the entity shall require the individual to produce valid picture identification to verify that the individual is at least 18 years of age.</p> <p>It requires the entity to maintain its inventory of aerosol dusters that contain DFE in a location that is not directly accessible to the public. The entity may not sell or deliver more than three aerosol dusters containing DFE to an individual in a single transaction. However, the entity may sell or delivery such products through an order pick-up or delivery system, including through a third-party delivery platform, as long as the entity ensures that the individual who receives the aerosol duster through the order pick-up or delivery system is at least 18 years of age.</p> <p>The requirements of these provisions do not apply to sales or delivers of aerosol dusters that contain DFE made to manufacturers, distributors, retailers, office wholesalers, or other business entities.</p> <p>A violation of this section is a Class C misdemeanor. It is an affirmative defense to a violation of the age requirements that the defendant reasonably and in good faith relied on a piece of identification described in this section.</p> <p>§ 475.390 provides that a business, or an employee of a business, that makes retail sales of nitrous oxide canisters from which an individual may directly inhale nitrous oxide may not sell or deliver such product to an individual who is under 18 years of age. Prior to selling or delivering a nitrous oxide canister to an individual, a business or employee of the business shall require the individual to produce a photo identification in order to verify that the individual is at least 18 years of age.</p> <p>If the sale of a nitrous oxide canister is made through an online ordering system for delivery to an individual recipient in this state, the business may not complete the delivery unless the business or employee or agent of the business making the delivery obtains the signature of the recipient and verifies by inspecting the individual's identification that the recipient is at least 18 years of age.</p> <p>A violation of this section is a Class A violation. If, at the time</p>

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Restrictions on sales, cont'd	of sentencing, the person has been convicted and sentenced during a prior proceeding for a violation of this section, it is a Class C misdemeanor.
Prevention, treatment, education provisions related to inhalants	<p>See description of § 167.808 above.</p> <p>§ 813.020 (fees after conviction; screening and treatment; booking; imprisonment or community service; victim impact treatment session) requires that when a person is convicted of driving while under the influence of intoxicants in violation of § 813.010 (see description above), a court shall require the person to, among other things, complete a screening interview and a treatment program as provided in § 813.021 (see below).</p> <p>§ 813.021 (screening interviews and treatment programs; requirements) provides that, when a court requires a person to complete a screening interview and a treatment program, the court shall require the person to do all of the following:</p> <ol style="list-style-type: none"> (1) Complete a screening interview for the purpose of determining appropriate placement of the person in a program for treatment of alcoholism, drug dependency, or dependency on inhalants; (2) Pay the interview fee; (3) Complete the treatment program to which the person is referred; and (4) Pay for such treatment program. <p>An agency or organization conducting a screening interview under this section may not refer a person to a treatment program that has not been approved by the director of the Oregon Health Authority. It shall monitor the progress of the person referred to the agency or organization and make a report to the referring court stating the person's successful completion or failure to complete all or any part of the screening interview or treatment program.</p>
Miscellaneous provisions	§ 430.272 requires the director of the Oregon Health Authority to develop education resources focusing on the problem of inhalant abuse by minors with a special emphasis on the education of parents about the risks of inhalant use. It requires the director to develop tools to help parents talk to their children about the extraordinary risks associated with even a single use of inhalants, as well as those that arise from repeated use.

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Miscellaneous provisions, cont'd	The director is also required to develop education resources focusing on merchants that sell products that contain inhalants and shall encourage merchants that sell products that contain inhalants to post signs that inform the public that using inhalants for the purpose of intoxication is illegal and potentially deadly. The director shall develop and print a standard sign for such purposes and make the sign available to merchants.
Recently proposed legislation	None

<u>PENNSYLVANIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • 18 PA. STAT. AND CONS. STAT. ANN. § 7303 (West 2026) (sale or illegal use of certain solvents and noxious substances) • 75 PA. STAT. AND CONS. STAT. ANN. § 3802 (West 2026) (driving under the influence of alcohol or controlled substance) • 75 PA. STAT. AND CONS. STAT. ANN. § 3807 (West 2026) (Accelerated Rehabilitative Disposition) • 75 PA. STAT. AND CONS. STAT. ANN. §§ 3814 and 3816 (West 2026) (included within “Driving after Imbibing Alcohol or Imbibing Drugs”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • February 20, 2001 (§ 7303) • February 1, 2004 (§§ 3814 and 3816) • December 22, 2025 (§§ 3802 and 3807)
Criminal provisions related to inhalants	<p>18, § 7303 provides that no person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, intentionally smell or inhale the fumes from any noxious substance or substance containing a solvent having the property of releasing toxic vapors or fumes. This provision does not apply to the inhalation of any anesthesia for medical or dental purposes.</p> <p>It also provides that no person shall, for the purpose of violating the above provision, use, or possess for the purpose of using, any noxious substance or substance containing a solvent having the property of releasing toxic vapors or fumes.</p> <p>Additionally, it prohibits any person from selling at retail, or offering to sell, to any other person any tube or other container of any noxious substance or substance containing a solvent having the property of releasing toxic vapors or fumes, if he has reasonable cause to suspect that the product sold, or offered for sale, will be used for one of the purposes set forth above.</p> <p>A violation of this section is a misdemeanor of the third degree.</p> <p>Finally, this section defines “any noxious substance or substance containing a solvent having the property of releasing toxic vapors or fumes” to mean any substance containing one or more of the listed chemical compounds which includes, but is not limited to, acetone, acetate, benzene, butyl alcohol, ethyl alcohol, gaseous or liquid fluorocarbons, nitrous oxide, or toluene.</p>

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Criminal provisions related to inhalants, cont'd	75, § 3802 provides that an individual may not drive, operate, or be in actual physical control of the movement of a vehicle under one of the listed circumstances that includes, but is not limited to, while the individual is under the influence of a solvent or noxious substance in violation of 18, § 7303.
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	<p>75, § 3807 permits a person charged with a violation of 75, § 3802 (see description above), to be considered by the attorney for the commonwealth for participation in an Accelerated Rehabilitative Disposition if he or she meets the requirements. The Commonwealth's attorney may not submit an individual for Accelerated Rehabilitative Disposition if any of the following apply:</p> <ol style="list-style-type: none"> (1) The defendant has been found guilty of or accepted Accelerated Rehabilitative Disposition within 10 years of the date of the current offense unless the charge was for an ungraded misdemeanor and was the defendant's first offense; (2) An accident occurred in connection with the current offense and an individual other than the defendant was killed or suffered serious bodily injury as a result of the accident; or (3) There was a passenger under 14 years of age in the motor vehicle the defendant was operating at the time of the offense. <p>A defendant offered Accelerated Rehabilitative Disposition is, as a condition of participation in the program, subject to the following requirements, among others and in addition to any other conditions of participation imposed by the court:</p> <ol style="list-style-type: none"> (1) The defendant must attend and successfully complete an alcohol highway safety school; (2) Prior to disposition, the defendant must be evaluated to determine the defendant's involvement with alcohol or other drug and to assist the court in determining what conditions of Accelerated Rehabilitative Disposition would benefit the defendant and the public. If the evaluation indicates there is a need for counseling or treatment, the defendant shall be subject to a full assessment for substance use disorder; and

<u>PENNSYLVANIA</u>	
<p>Prevention, treatment, education provisions related to inhalants, cont'd</p>	<p>(3) If the defendant is assessed to be in need of treatment, he or she must participate and cooperate with a licensed treatment program.</p> <p>The defendant shall be subject to a full assessment for substance use disorder if the evaluation under paragraph (2) above indicates a likelihood that the defendant has a substance use disorder. The assessment shall consider issues of public safety and shall include recommendations for levels of care, follow-up care, and monitoring.</p> <p>75, § 3814 (drug and alcohol assessments) provides that if a defendant is convicted or pleads guilty or no contest to a violation under 75, § 3802 (see description above), the following apply prior to sentencing:</p> <ul style="list-style-type: none"> (1) The defendant shall be evaluated under 75, § 3816 (see below) and any other additional evaluation techniques deemed appropriate by the court to determine the extent of his or her involvement with alcohol or other drug and to assist the court in determining what type of sentence would benefit the defendant and the public; or (2) The defendant shall be subject to a full assessment for alcohol and drug addiction if the defendant has a prior conviction under 75, § 3802 or an equivalent offense in another jurisdiction; or the evaluation indicates there is a need for counseling or treatment. <p>The assessment shall consider issues of public safety and shall include recommendations for length of stay, levels of care, and follow-up care and monitoring.</p> <p>75, § 3816 (requirements for driving under the influence offenders) provides that, in addition to any other requirements of the court, every person convicted of a violation of 75, § 3802 (see description above) and every person offered Accelerated Rehabilitative Disposition as a result of a charge of a violation of 75, § 3802 shall, prior to sentencing or receiving Accelerated Rehabilitative Disposition or other preliminary disposition, be evaluated to determine the extent of the person's involvement with alcohol or controlled substances and to assist the court in determining what sentencing, probation, or conditions of Accelerated Rehabilitative Disposition would benefit the person or the public.</p>

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Prevention, treatment, education provisions related to inhalants, cont'd	If the court orders treatment, a report shall be forwarded to the department as to whether the defendant successfully completed the program. If a defendant fails to successfully complete a treatment program as ordered by the court, the suspension of driving privileges shall remain in effect until the department is notified that the defendant has successfully completed the program and the defendant is otherwise eligible for restoration of his operating privilege.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>RHODE ISLAND</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • 11 R.I. GEN. LAWS §§ 11-48-1 to 11-48-3 (West 2026) (collectively “Substances Releasing Toxic Vapors”) • 31 R.I. GEN. LAWS § 31-27-2 (West 2026) (driving under influence of liquor or drugs)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1968 (§ 11-48-2) • 1995 (§ 11-48-3) • July 1, 2025 (§ 31-27-2)
Criminal provisions related to inhalants	<p>§ 11-48-2 (sale, possession, and use) provides that no person shall intentionally smell or inhale the fumes of any substance having the property of releasing toxic vapors for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses or nervous system, nor possess, buy, or sell any substance for the purpose of violating or aiding another to violate this chapter; provided, that this chapter shall not apply to the inhalation of anesthesia for medical or dental purposes.</p> <p>§ 11-48-3 (penalty for violation) provides that any person who violates the provisions of § 11-48-2 shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months or both.</p> <p>§ 31-27-2 provides that whoever drives or otherwise operates any vehicle in the state while under the influence of, among other things, toluene, or a combination of intoxicating liquor, drugs, toluene, or a controlled substance, shall be guilty of a misdemeanor and shall be punished as provided in this section.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	§ 31-27-2 provides that any person convicted of a violation under this section may undergo a clinical assessment. If this assessment determines problems of alcohol, drug abuse, or psychological problems associated with alcoholic or drug abuse, the person shall be referred to an appropriate facility, licensed or approved by the department of behavioral health care, developmental disabilities and hospitals, for treatment placement, case management, and monitoring. Individuals convicted under the provisions of this chapter shall be required to attend a special course on driving while under the influence of alcohol or a controlled substance and/or participate in an alcohol or drug treatment program.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>SOUTH CAROLINA</u>	
Statute(s) and regulation(s)	S.C. CODE ANN. §§ 44-53-1110 to 44-53-1130 (2026) (collectively “Aromatic Hydrocarbons”)
Effective date(s) of most recent substantive amendment	1972 (§§ 44-53-1110 to 44-53-1130)
Criminal provisions related to inhalants	<p>§ 44-53-1110 (prohibition on aromatic hydrocarbons used as intoxicants) provides that no person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, intentionally smell or inhale the fumes from any substance containing aromatic hydrocarbons; provided, that this section does not apply to the inhalation of any anesthesia for medical or dental purposes.</p> <p>§ 44-53-1120 (unlawful use or possession of aromatic hydrocarbons) provides that no person shall, for the purpose of violating § 44-53-1110 (see above), use or possess for the purpose of using, any substance containing aromatic hydrocarbons.</p> <p>§ 44-53-1130 (penalties) provides that a violation of any provision of this article is a misdemeanor subject to a fine in an amount not to exceed \$100 or imprisonment for a term not to exceed 30 days.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal or State Legislation .

<u>SOUTH DAKOTA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • S.D. CODIFIED LAWS § 22-42-15 (2026) (ingesting substance, except alcoholic beverages, for the purpose of becoming intoxicated as misdemeanor—venue for violation) • S.D. CODIFIED LAWS § 32-23-1 (2026) (driving or control of vehicle prohibited with alcohol in blood or while under influence of alcohol, drug, or intoxicant)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 2001 (§ 22-42-15) • 2006 (§ 32-23-1)
Criminal provisions related to inhalants	<p>§ 22-42-15 provides that any person who intentionally ingests, inhales, or otherwise takes into the body any substance, except alcoholic beverages, for purposes of becoming intoxicated, unless such substance is lawfully prescribed by a practitioner, is guilty of a Class 1 misdemeanor.</p> <p>§ 32-23-1 prohibits any person from driving or being in actual physical control of any vehicle while under the influence of any substance ingested, inhaled, or otherwise taken into the body as prohibited by § 22-42-15.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>TENNESSEE</u>	
Statute(s) and regulation(s)	TENN. CODE ANN. § 39-17-422 (West 2026) (inhalants)
Effective date(s) of most recent substantive amendment	July 1, 1997 (§ 39-17-422)
Criminal provisions related to inhalants	<p>§ 39-17-422 provides that no person shall, for the purpose of causing a condition of intoxication, inebriation, elation, dizziness, excitement, stupefaction, paralysis, or the dulling of the brain or nervous system, or disturbing or distorting of the audio or visual processes, intentionally smell or inhale the fumes from any glue, paint, gasoline, aerosol, chlorofluorocarbon gas, or other substance containing a solvent having the property of releasing toxic vapors or fumes; provided, that nothing in this section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes, or to the use of nitrous oxide to implement the distribution of beverages or other foodstuffs for commercial purposes.</p> <p>It also provides that no person shall, for the purpose of violating this section, use, or possess for the purpose of using, any glue containing a solvent having the property of releasing toxic vapors or fumes.</p> <p>A violation of either of these provisions is a Class A misdemeanor.</p> <p>It also provides that no person shall sell, or offer to sell, or deliver or give away to any person any tube or other containing of glue, paint, gasoline, aerosol, chlorofluorocarbon gas, or any other substance containing a solvent having the property of releasing toxic vapors or fumes, if the person has reasonable cause to suspect that the product sold or offered for sale, or delivered or given away, will be used for the purpose set forth above. A violation of this provision is a Class E felony.</p> <p>As used in this section, “glue, paint, gasoline, aerosol, chlorofluorocarbon gas, or other substance containing a solvent having the property of releasing toxic vapors or fumes” means and includes any glue, cement, paint, gasoline, aerosol, or any other substance of whatever kind containing one or more of the listed chemical compounds including, but not limited to, acetone, an acetate, benzene, butyl alcohol, ethyl alcohol,</p>

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Criminal provisions related to inhalants, cont'd	<p>nitrous oxide, toluene, or any group of polyhalogenated hydrocarbons containing fluorine and chlorine.</p> <p>It provides that nothing in this section shall be considered applicable to the sale of a hobby or model kit containing, as part of the kit, a tube or other container of glue, nor shall this section be considered applicable to the sale of a tube or other container of glue immediately in conjunction with the sale of a hobby or model kit requiring the use of approximately the quantity of glue for the assembly of a model. Further, nothing in this section shall be applicable to the transfer of a tube or other container of glue from a parent to the parent's own child, or from a guardian to the guardian's own ward.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal or State Legislation .

<u>TEXAS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • TEX. EDUC. CODE ANN. § 28.002 (West 2025) (required curriculum) • TEX. FAM. CODE ANN. § 51.03 (West 2025) (delinquent conduct; conduct indicating a need for supervision) • TEX. HEALTH & SAFETY CODE ANN. § 462.001 (West 2025) (definitions) • TEX. HEALTH & SAFETY CODE ANN. §§ 485.001 to 485.113 (West 2025) (collectively “Abusable Volatile Chemicals”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • September 1, 1991 (§ 462.001) • September 1, 1997 (§ 51.03) • September 1, 2001 (§§ 485.001, 485.011, 485.017, 485.019, 485.032 to 485.035) • December 1, 2019 (§ 28.002) • September 1, 2021 (§ 485.031)
Criminal provisions related to inhalants	<p>FAM. CODE § 51.03 provides that juvenile conduct indicating a need for supervision includes, among other things, conduct prohibited by city ordinance or state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in HEALTH & SAFETY CODE § 485.001.</p> <p>HEALTH & SAFETY CODE § 485.001 (definitions) includes definitions for:</p> <ol style="list-style-type: none"> (1) Abusable volatile chemical – (a)(i) a chemical, including aerosol paint, that is packaged in a container subject to the labeling requirements concerning precautions against inhalation established under the Federal Hazardous Substances Act; (a)(ii) that when inhaled, ingested, or otherwise introduced into a person’s body, may affect the person’s central nervous system; create or induce in the person a condition of intoxication, hallucination, or elation; or change, distort, or disturb the person’s eyesight, thinking process, balance, or coordination; and (a)(iii) is not a pesticide; a food, drug, or cosmetic subject to state or federal Food, Drug, and Cosmetic Act; or a beverage subject to the federal Alcohol Administration Act; or (b) nitrous oxide; and (2) Inhalant paraphernalia – equipment or materials of any kind that are intended for use in inhaling, ingesting, or otherwise introducing into the human body an abusable volatile chemical. It includes a tube, balloon, bag, fabric, bottle, or other container used to concentrate or

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Criminal provisions related to inhalants, cont'd	<p>hold in suspension an abusable volatile chemical or vapors of the chemical.</p> <p>HEALTH & SAFETY CODE § 485.031 (possession and use) provides that a person commits an offense if the person inhales, ingests, applies, uses, or possesses an abusable volatile chemical with intent to inhale, ingest, apply or use the chemical in a manner contrary to directions for use, cautions, or warnings appearing on a label of a container of the chemical and designed to affect the person's central nervous system; create or induce a condition of intoxication, hallucination, or elation; or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.</p> <p>An offense under this section is a Class B misdemeanor. It is a defense to prosecution for an offense under this section that the individual was the first person to request emergency medical assistance in response to the possible overdose of another person and meets the other requirements set forth in this section or was the victim of a possible overdose for which emergency medical assistance was requested by the individual or another person during an ongoing medical emergency. This section also sets forth exceptions to the defense include that the individual has previously been convicted of or placed on deferred adjudication community supervision for an offense under this or another chapter.</p> <p>HEALTH & SAFETY CODE § 485.032 (delivery to a minor) provides that a person commits an offense if the person knowingly delivers an abusable volatile chemical to a person younger than 18 years of age. It is a defense to prosecution under this section that the abusable volatile chemical that was delivered contains additive material that effectively discourages intentional abuse by inhalation or the person making the delivery is not the manufacturer of the chemical and the manufacturer of the chemical failed to properly label the chemical.</p> <p>It further provides that it is an affirmative defense to prosecution under this section that:</p> <ol style="list-style-type: none"> (1) The person making the delivery is an adult having supervisory responsibility over the minor and the adult permits the use under the adult's direct supervision and

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Criminal provisions related to inhalants, cont'd	<p>in his or her presence and only for its intended purpose and the adult removes the product from the minor on completion of that use; or</p> <p>(2) The person to whom the abusable volatile chemical was delivered presented to the defendant an apparently valid photo identification that purported to establish that the person was 18 years of age or older.</p> <p>Except as otherwise provided, an offense under this section is a state jail felony. It is a Class B misdemeanor if it is shown at the trial of the defendant that at the time of the delivery the defendant or defendant's employer held a volatile chemical sales permit for the location of the sale. It is a Class A misdemeanor if it is shown at the trial of the defendant that at the time of the delivery the defendant or defendant's employer did not hold a volatile chemical sales permit but did hold a sales tax permit for the location of the sale and had not been conviction previously under this section.</p> <p>HEALTH & SAFETY CODE § 485.033 (inhalant paraphernalia) provides that a person commits an offense if the person knowingly uses or possesses with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the human body an abusable volatile chemical in violation of § 485.031. An offense under this provision is a Class B misdemeanor.</p> <p>It provides that a person commits an offense if the person knowingly delivers or sells inhalant paraphernalia; possesses with intent to deliver or sell inhalant paraphernalia; or manufactures, with intent to deliver or sell, inhalant paraphernalia; and, at the time of the act, knows that the person who receives or is the intended recipient of the paraphernalia intends that it be used to inhale, ingest, apply, use, or otherwise introduce into the human body a volatile chemical in violation of § 485.031. An offense under this provision is a Class A misdemeanor.</p> <p>HEALTH & SAFETY CODE § 485.034 (failure to post sign) provides that a person commits an offense if the person sells an abusable volatile chemical in a business establishment and does not display the sign required by § 485.017 (see description below), a Class C misdemeanor.</p>

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Criminal provisions related to inhalants, cont'd	<p>HEALTH & SAFETY CODE § 485.035 (sale without permit) provides that a person commits an offense if the person sells an abusable volatile chemical in violation of § 485.011 (see description below) and the purchaser is 18 years of age or older. An offense under this section is a Class B misdemeanor.</p>
Restrictions on sales	<p>HEALTH & SAFETY CODE § 485.011 (permit required) prohibits a person from selling an absolute volatile chemical at retail unless the person or the person’s employer has a volatile chemical sales permit for the location of the sale.</p> <p>HEALTH & SAFETY CODE § 485.017 (signs) requires a business establishment that sells an abusable volatile chemical at retail to display a conspicuous sign that states the following:</p> <p>“It is unlawful for a person to sell or deliver an abusable volatile chemical to a person under 18 years of age. Except in limited circumstances, such an offense is a state jail felony.</p> <p>It is also unlawful for a person to abuse a volatile chemical by inhaling, ingesting, applying, using, or possessing with intent to inhale, ingest, apply, or use a volatile chemical in a manner designed to affect the central nervous system. Such an offense is a Class B misdemeanor.”</p> <p>HEALTH & SAFETY CODE § 485.019 (restriction of access to aerosol paint) provides that a business establishment that holds a permit under § 485.012 (sic.) and that displays aerosol paint shall display the paint:</p> <ol style="list-style-type: none"> (1) In a place that is in the line of sight of a cashier or in the line of sight from a workstation normally continuously occupied during business hours; (2) In a manner that makes the paint accessible to a patron of the business establishment only with the assistance of an employee of the establishment; or (3) In an area electronically protected, or viewed by surveillance equipment that is monitored, during business hours. <p>This section does not apply to a business that has a computerized checkout system at the point of sale for merchandise that alerts the cashier that a person purchasing aerosol paint must be over 18 years of age.</p>

<u>TEXAS</u>	
Restrictions on sales, cont'd	<p>It provides that a court may issue a warning to a business establishment or impose a civil penalty of \$50 on the establishment for a first violation of this section. After that, the establishment is liable to the state for a civil penalty of \$100 for each subsequent violation. For a third violation, a court may issue an injunction prohibiting the business from selling aerosol paint for a period of not more than two years.</p> <p>This section only applies to a business establishment located in a county with a population of 75,000 or more.</p>
Prevention, treatment, education provisions related to inhalants	<p>EDUC. CODE § 28.002 provides that each school district that offers kindergarten through grade 12 shall offer, as a required curriculum, among other things, an enrichment curriculum that includes health, with emphasis on mental health, including, among other things, instruction about mental health conditions and substance abuse. In adopting the essential knowledge and skills for the curriculum under this section, the Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in alcohol poisoning, inhaling solvents, and other forms of substance abuse.</p> <p>HEALTH & SAFETY CODE § 462.001 sets forth definitions related to treatment of individuals with chemical dependencies. It defines “controlled substance” to include a toxic inhalant. “Toxic inhalant” means a gaseous substance that is inhaled by a person to produce a desired physical or psychological effect and that may cause personal injury or illness to the inhaler. Finally, it defines “chemical dependency” to mean the abuse of alcohol or a controlled substance; psychological or physical dependence on alcohol or a controlled substance; or addiction to alcohol or a controlled substance. Based on these definitions, the provisions of Chapter 462, Treatment of Persons with Chemical Dependencies, apply to individuals who use or who have a psychological or physical dependence on inhalants.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>UTAH</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • UTAH CODE ANN. §§ 41-6a-501 and 41-6a-502 (West 2025) (included within “Driving under the Influence and Reckless Driving”) • UTAH CODE ANN. § 76-9-110 (West 2025) (public intoxication) • UTAH CODE ANN. §§ 76-9-1110 and 76-9-1111 (West 2025) (included within “Cigarettes, Tobacco, and Psychotoxic Chemical Solvents”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • February 2, 2005 (§ 41-6a-502) • July 1, 2008 (§ 41-6a-501) • May 7, 2025 (§§ 76-9-110, 76-9-1110, and 76-9-1111)
Criminal provisions related to inhalants	<p>§ 41-6a-501 (definitions) defines “drug” to include a substance that, when knowingly, intentionally, or recklessly taken into the human body, can impair the ability of a person to safely operate a motor vehicle.</p> <p>§ 41-6a-502 (driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration—penalties—reporting of convictions) provides that an individual commits driving under the influence if he or she operates or is in actual physical control of a vehicle within this state if the individual is under the influence of alcohol, any drug, or a combination of alcohol and any drug to a degree that renders the individual incapable of safely operating a vehicle. Except as otherwise provided, a violation of this provision is a Class B misdemeanor. It is a Class A misdemeanor if certain other circumstances exist, such as the individual has a passenger younger than 16 years of age in the vehicle at the time of the offense. It is a third degree felony if the individual has certain other previous convictions.</p> <p>§ 76-9-110 provides that an individual commits public intoxication if the individual is in a public place or in a private place where the individual could unreasonably disturb others; is under the influence of, among other things, any substance having the property of releasing toxic vapors; and is under the influence to the degree that it may endanger the individual or another person. A violation of this provision is a Class C misdemeanor.</p> <p>§ 76-9-1110 (abuse of psychotoxic chemical solvent) defines “psychotoxic chemical solvent” to include any glue, cement, or other substance containing one or more of the listed chemical compounds that includes, but is not limited to, acetone, acetate,</p>

<u>UTAH</u>	
Criminal provisions related to inhalants, cont'd	<p>amyl nitrite, benzene, ethyl alcohol, methyl alcohol, petroleum ether, toluene, xylene, or another chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.</p> <p>Except as otherwise provided by this section, an individual commits abuse of psychotoxic chemical solvent if:</p> <ol style="list-style-type: none"> (1) For the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the actor's brain or nervous system, the individual intentionally smells or inhales the fumes of a psychotoxic chemical solvent or possesses, purchases, or attempts to possess or purchase a psychotoxic chemical solvent; or (2) The individual offers, sells, or provides a psychotoxic chemical solvent to another person knowing that the other person or a third party intends to possess or use that solvent in violation of paragraph (1). <p>A violation of these provisions is a Class B misdemeanor. This section does not apply to the prescribed use, distribution, or sale of a psychotoxic chemical solvent for a medical or dental purpose or a controlled substance regulated by law.</p> <p>§ 76-9-1111 (abuse of nitrous oxide) provides that "nitrous oxide" means N₂O, a colorless gas or liquid that is also referred to as dinitrogen monoxide, nitrogen oxide, or laughing gas or any substance containing nitrous oxide.</p> <p>Except as otherwise provided in this section, a person commits abuse of nitrous oxide if he or she:</p> <ol style="list-style-type: none"> (1) Possesses nitrous oxide with the intent to breathe, inhale, or ingest the nitrous oxide for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or in any manner changing, distorting, or disturbing the audio, visual, or mental processes; (2) Knowingly or intentionally is under the influence of nitrous oxide; or

<u>UTAH</u>	
Criminal provisions related to inhalants, cont'd	<p>(3) Offers, sells, or provides nitrous oxide to another person knowing that the other person or a third party intends to possess or use the nitrous oxide in violation of paragraphs (1) or (2).</p> <p>A violation of any of these provisions is a Class A misdemeanor. Paragraph (2) does not apply to a person who is under the influence of nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care by an authorized person. Paragraph (3) does not apply to any person who administers nitrous oxide for the purpose of medical, surgical, or dental care and holds a license authorizing the administration of nitrous oxide.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	<p>§ 76-9-110 provides that if a minor, defined to mean an individual under the age of 21 years, is found to have violated this section (see description above) and the violation is the minor's first violation, the court may order the minor to complete a screening and, if the screening indicates an assessment to be appropriate, an assessment, and order the minor to complete an educational series or substance use disorder treatment. If it is the minor's second or subsequent violation, the court is required to order the minor to complete a screening, assessment, and educational series or substance use disorder treatment, as appropriate. Notwithstanding these provisions, if a minor is adjudicated in juvenile court, the court may only order substance use disorder treatment or an educational series if the minor has an assessed need for the intervention based on the results of a validated assessment.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>VERMONT</u>	
Statute(s) and regulation(s)	VT. STAT. ANN. tit. 18, § 1510 (West 2025) (improper possession, use, or sale of glues and hazardous inhalants; penalty)
Effective date(s) of most recent substantive amendment	1993 (§ 1510)
Criminal provisions related to inhalants	<p>18, § 1510 includes definitions for:</p> <ol style="list-style-type: none"> (1) “Glue containing a solvent having the property of releasing toxic vapors or fumes,” which means any glue, cement, or other adhesive containing one or more of the listed chemical compounds which include, but are not limited to, acetone, benzene, butyl alcohol, isopropyl alcohol, petroleum ether, toluene, or such other similar material as the commissioner shall be regulation prescribe; and (2) “Hazardous inhalants,” which means any preparation of the compounds containing one or more of the listed nitrites and any other alkyl nitrite compound that is either designed to be used, or commonly used, as an inhalant. <p>It prohibits any person from intentionally smelling or inhaling the fumes from any hazardous inhalants or from any glue containing a solvent having the property of releasing toxic vapors or fumes for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system. Nothing in this provision applies to the inhalation of any anesthesia or inhalant for medical or dental purposes.</p> <p>It further provides that no person shall, for the purpose of violating the above provision, use or possess for the purpose of using any hazardous inhalants or any glue containing a solvent having the property of releasing toxic vapors or fumes.</p> <p>A person who violates this section shall be fined not more than \$25.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	18, § 1510 provides that the state’s attorney may require as a condition of diversion that a person who is charged with a violation of this section shall attend and complete a substance abuse program at the person’s own expense. A person who is convicted of violating this section and who is placed on

<u>VERMONT</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	probation shall, as a condition of probation, be required to attend and complete a substance abuse program at the person's own expense.
Miscellaneous provisions	None
Recently proposed legislation	None

<u>VIRGINIA</u>	
Statute(s) and regulation(s)	VA. CODE ANN. § 18.2-264 (West 2026) (inhaling drugs or other noxious chemical substances or causing, etc., others to do so; distribution of nitrous oxide to persons under 18 prohibited; penalties)
Effective date(s) of most recent substantive amendment	July 1 2025 (§ 18.2-264)
Criminal provisions related to inhalants	<p>§ 18.2-264 provides that it is unlawful, except under the direction of a practitioner, for any person to deliberately smell or inhale any drugs or other noxious chemical substances with the intent to become intoxicated, inebriated, excited, or stupefied or to dull the brain or nervous system. A violation is a Class 1 misdemeanor.</p> <p>It is also unlawful for any person, only than one duly licensed, to deliberately cause, invite, or induce any person to smell or inhale any drugs or any other noxious chemical substances with the intent to intoxicate, inebriate, excite, stupefy, or dull the brain or nervous system of such person. A violation of this provision is a Class 2 misdemeanor.</p> <p>It further provides that it is unlawful for any person to sell, distribute, or offer to sell or distribute a device that is designed or intended to deliver a gas containing nitrous oxide to any person under 18 years of age for any purpose. This does not apply to:</p> <ol style="list-style-type: none"> (1) A device for nitrous oxide that is denatured or otherwise rendered unfit for human consumption; or (2) Any person or establishment that is (a) solely engaged in the business of selling or distributing catering supplies, food processing equipment, or compressed gases for industrial or medical use; or (b) a healthcare provider. <p>Any person who fails to make diligent inquiry as to whether the person trying to obtain such a device is 18 years of age or older or violates the provisions of this subsection is guilty of a Class 1 misdemeanor.</p> <p>“Noxious chemical substances” is defined to include fingernail polish and model airplane glue and chemicals containing any ketones, aldehydes, organic acetates, ether, chlorinated</p>

<u>VIRGINIA</u>	
Criminal provisions related to inhalants, cont'd	hydrocarbons or vapors, fluorinated hydrocarbons or vapors, nitrous oxide, or hydrogenated fluorocarbons.
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	Yes, see Recently Proposed Federal or State Legislation .

<u>WASHINGTON</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • WASH. REV. CODE ANN. §§ 9.47A.010 to 9.47A.050 (West 2025) (collectively “Inhaling Toxic Fumes”) • WASH. REV. CODE ANN. § 46.61.502 (West 2025) (driving under the influence) • WASH. REV. CODE ANN. § 46.61.540 (West 2025) (“drugs,” what included”
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1984 (§ 9.47A.010 to 9.47A.040) • August 1, 2012 (§ 46.61.540) • January 1, 2026 (§ 46.61.502)
Criminal provisions related to inhalants	<p>§ 9.47A.010 (definition) defines “substance containing a solvent having the property of releasing toxic vapors or fumes” to mean and include one or more of the listed chemical compounds that includes, but is not limited to, acetone, benzene, butyl acetate, butyl alcohol, chloroform, ethanol, hexane, isopropyl alcohol, toluene, xylene, or any other solvent, material substance, chemical, or combination thereof, having the property of releasing toxic vapors.</p> <p>§ 9.47A.020 (unlawful inhalation—exception) provides that it is unlawful for any person to intentionally smell or inhale the fumes of any type of substance as defined in § 9.47A.010 or to induce another person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This section does not apply to the inhalation of any anesthesia for medical or dental purposes.</p> <p>§ 9.47A.030 (possession of certain substances prohibited, when) provides that no person may, for the purpose of violating § 9.47A.020, use, or possess for the purpose of so using, any substance containing a solvent having the property of releasing toxic vapors or fumes.</p> <p>§ 9.47A.040 (sale of certain substances prohibited, when) provides that no person may sell, offer to sell, deliver, or give to any other person any container of a substance containing a solvent having the property of releasing toxic vapors or fumes, if he or she has knowledge that the product sold, offered for sale, delivered, or given will be used for the purpose set forth in § 9.47A.020.</p>

<u>WASHINGTON</u>	
Criminal provisions related to inhalants, cont'd	<p>§ 9.47A.050 (penalty) provides that any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days or both.</p> <p>§ 46.61.502 provides that a person is guilty of driving while under the influence of intoxicating liquor, cannabis, or any drug if the person drives a vehicle in this state while the person is under the influence of or affected by any drug or while under the combined influence of or affected by intoxicating liquor, cannabis, and any drug. Except as otherwise provided in this section, a violation is a gross misdemeanor. It is a Class B felony if the person has three or more prior offenses within 15 years or the person has ever previously been convicted of certain offenses.</p> <p>§ 46.61.540 defines “drugs” to include but not be limited to those drugs and substances regulated by chapters 69.41 and 69.50 and any chemical inhaled or ingested for its intoxicating or hallucinatory effects.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>WEST VIRGINIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • W.VA. CODE ANN. § 17C-5-2 (West 2026) (driving under influence of alcohol, controlled substances, or drugs; penalties) • W.VA. CODE ANN. § 60-7-12 (West 2026) (certain acts of licensee prohibited; criminal penalties) • W.VA. CODE ANN. § 61-8-11 (West 2026) (breathing, inhaling, or drinking certain intoxicating compounds; penalty)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • 1996 (§ 60-7-12) • April 13, 2001 (§ 61-8-11) • June 10, 2016 (§ 17C-5-2)
Criminal provisions related to inhalants	<p>§ 17C-5-2 defines “impaired state” to mean a person who is under the influence of any other drug or inhalant substance or is under the combined influence of alcohol and any controlled substance or any other drug. It provides that any person who drives a vehicle in this state while he or she is in an impaired state is guilty of a misdemeanor and, upon conviction, may be confined in jail for up to six months and be fined not less than \$100 nor more than \$500.</p> <p>It further provides that any person who knowingly permits his or her vehicle to be driven on any public highway or private road in this state by any other person who is in an impaired state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and fined not less than \$100 nor more than \$500.</p> <p>§ 60-7-12 provides that it is unlawful for any licensee, or agent, employee, or member thereof, on such licensee’s premises to, among other things, sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption, except as authorized by the commissioner. Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000 or imprisoned in jail for a period not to exceed one year or both.</p> <p>§ 61-8-11 provides that no person shall intentionally breathe, inhale, or drink any compound, liquor, or chemical containing one of the listed substances that includes, but is not limited to, acetone, benzene, butyl acetate, chloroform, ethanol, hexane, isopropyl alcohol, toluene, xylene, or any other solvent, material substance, chemical, or combination thereof having the</p>

<u>WEST VIRGINIA</u>	
Criminal provisions related to inhalants, cont'd	<p>property of releasing toxic vapors for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, or irrational behavior or in any manner changing, distorting, or disturbing the auditory, visual, or mental processes. For purposes of this section, any condition so induced shall be deemed to be an intoxicated condition.</p> <p>This section does not apply to any person who commits any act described herein pursuant to the direction or prescription of a licensed physician or dentist, including the inhalation of anesthesia for medical or dental purposes or to any alcoholic liquor or non-intoxicating beer.</p> <p>A violation of this section is a misdemeanor punishable by a fine of not more than \$100 or confinement in a county or regional jail for not more than 60 days or both.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>WISCONSIN</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • WIS. STAT. ANN. § 51.49 (West 2026) (pretrial intoxicated driver intervention grant program) • WIS. STAT. ANN. § 134.63 (West 2026) (nitrous oxide; restrictions on sales; records of certain sales; labeling) • WIS. STAT. ANN. § 346.63 (West 2026) (operating under influence of intoxicant or other drug) • WIS. STAT. ANN. § 346.935 (West 2026) (intoxicants in motor vehicles) • WIS. STAT. ANN. § 346.95 (West 2026) (penalty for violating sections 346.87 to 346.94) • WIS. STAT. ANN. § 939.22 (West 2026) (words and phrases defined) • WIS. STAT. ANN. §§ 941.315 and 941.316 (West 2026) (included within “Other Dangerous Instrumentalities and Practices”)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • July 14, 2015 (§ 51.49) • April 27, 2016 (§ 346.63) • December 2, 2017 (§ 346.95) • February 2, 2024 (§ 941.315) • August 10, 2025 (§ 939.22)
Criminal provisions related to inhalants	<p>§ 346.63 provides that no person may drive or operate a motor vehicle while under the influence of an intoxicant, a controlled substance, a controlled substance analog, or any combination of an intoxicant, a controlled substance, and a controlled substance analog or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving.</p> <p>§ 346.935 provides that no person may inhale nitrous oxide while he or she is in any motor vehicle when the vehicle is upon a highway. No person may possess on his or her person, in a privately owned motor vehicle upon a public highway, any bottle or receptacle containing nitrous oxide if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.</p> <p>It also provides that the owner of a privately owned motor vehicle, or the driver of the vehicle if the owner is not present in the vehicle, shall not keep, or allow to be kept in the motor vehicle when it is upon a highway, any bottle or receptacle containing alcoholic beverages or nitrous oxide if the bottle or receptacle has been opened, the seal has been broken, or the</p>

WISCONSIN**Criminal provisions
related to inhalants,
cont'd**

contents of the bottle or receptacle have been partially removed or released. This does not apply if the bottle or receptacle is kept in the trunk of the vehicle or, if the vehicle has no trunk, in another area of the vehicle not normally occupied by the driver or passengers.

§ 346.95 provides that any person violating § 346.935 (see above) may be required to forfeit not more than \$100.

§ 939.22 defines “hazardous inhalant” to mean a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under state or federal law, or in a manner that is not intended by the manufacturer of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

§ 941.315 (possession, distribution, or delivery of nitrous oxide) provides that possessing nitrous oxide or a substance containing nitrous oxide with the intent to inhale the nitrous oxide or intentionally or otherwise inhaling nitrous oxide is a Class A misdemeanor. This provision does not apply to a person to whom nitrous oxide is administered for the purpose of providing medical or dental care if the nitrous oxide is administered by an authorized person.

It also provides that whoever does any of the following is guilty of a Class H felony:

- (1) Distributes or delivers, or possesses with intent to distribute or deliver, nitrous oxide to a person who has not attained the age of 21;
- (2) Distributes or delivers, or possesses with intent to distribute or deliver, nitrous oxide or a substance containing nitrous oxide to a person aged 21 years or older knowing or having reason to know that the person will use the nitrous oxide in violation of this section; or
- (3) Distributes or delivers to a person aged 21 years or older any object used, designed for use, or primarily intended for use in inhaling nitrous oxide at the same time that he or she distributes or delivers nitrous oxide or a substance containing nitrous oxide to the person.

<u>WISCONSIN</u>	
Criminal provisions related to inhalants, cont'd	<p>This provision does not apply to the administration of nitrous oxide by a physician, dentist, or dental therapist, or by another person under the supervision of a physician, dentist, or dental therapist for the purpose of providing medical or dental care. Paragraph (3) does not apply to the sale to a hospital, healthcare clinic, or other healthcare organization or to a physician, dentist, or dental therapist of any object used, designed for use or primarily intended for use in administering nitrous oxide for the purpose of providing medical or dental care.</p> <p>§ 941.316 (abuse of hazardous substance) provides that a person who possesses a hazardous substance with the intent to abuse the hazardous substance or intentionally abuses a hazardous substance is guilty of a Class A misdemeanor. This provision does not apply to a person who possesses or uses the substance if it is obtained from or pursuant to a valid prescription or order of a practitioner.</p> <p>Additionally, whoever distributes, or possesses with intent to distribute, a hazardous substance knowing or having reason to know that the hazardous substance will be abused is guilty of a Class I felony. This provision does not apply to a person who distributes a hazardous substance in the ordinary course of business.</p>
Restrictions on sales	<p>§ 134.63 provides that, except as otherwise provided, no person who engages in the retail sale of cartridges of nitrous oxide may sell more than 24 cartridges in any single retail transaction. Additionally, no person may, during any consecutive 48-hour period, engage in more than one retail purchase of nitrous oxide or any nitrous oxide container.</p> <p>These provisions do not apply to:</p> <ol style="list-style-type: none"> (1) A retail sale to a bakery, restaurant, institutional food distributor or other person engaged in the food service industry if the bakery, restaurant, distributor, or other person has an emergency business need for the cartridges; (2) Any retail sale to or retail purchase by a hospital, healthcare clinic, or other healthcare organization that uses nitrous oxide to provide medical or dental care; or (3) A retail food establishment. <p>Except as otherwise provided, every person in this state who</p>

<u>WISCONSIN</u>	
Restrictions on sales, cont'd	<p>delivers nitrous oxide or any nitrous oxide container to another shall keep a register of all deliveries of nitrous oxide or any nitrous oxide container. The register shall show the name and complete address of the person to whom the product is delivered, the number of cartridges or other containers delivered, and the date of delivery. The register shall be preserved for two years and be available for inspection during reasonable hours by state and local law enforcement agencies and by any state agency.</p> <p>The person to whom the nitrous oxide or nitrous oxide container is delivered shall present an official identification card. No such person shall give a false name or address to a person required to keep a register as required by this section.</p> <p>Except as otherwise provided, no person may deliver a cartridge of nitrous oxide to another unless the cartridge is properly labeled, stamped, or tagged with a warning against inhalation and the statement that cartridges cannot be sold to individuals under the age of 21. Cartridges must also include packaging that indicates the name and business address of the person delivering the cartridge.</p> <p>These provisions do not apply to a retail food establishment.</p>
Prevention, treatment, education provisions related to inhalants	<p>§ 51.49 defines “hazardous inhalant” to mean a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under state or federal law, or in a manner that is not intended by the manufacturer of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes. “Intoxicant” means any alcohol beverage, hazardous inhalant, controlled substance, controlled substance analog or other drug, or any combination thereof.</p> <p>It provides that the department shall administer the pretrial intoxicated driver intervention program which shall award grants to eligible applicants to administer a local program that, prior to the sentencing of a defendant for operating while intoxicated, does all of the following:</p> <p style="padding-left: 40px;">(1) Identifies the defendant and notifies him or her of the availability and cost of the program and that, if the</p>

<u>WISCONSIN</u>	
Prevention, treatment, education provisions related to inhalants, cont'd	<p>defendant is convicted, a court will consider the defendant's participation in the program when imposing a sentence;</p> <ol style="list-style-type: none"> (2) Monitors the defendant's use of intoxicants to reduce the incidence of abuse; (3) Treats the defendant's abuse of intoxicants to reduce the incidence of abuse; (4) Reports to the court on the defendant's participation in the program; and (5) Requires program participants to pay a reasonable fee. <p>Not later than December 31 of each even-numbered year, the department shall submit a report to the legislature that states the number of individuals for a second or subsequent offense of operating while intoxicated; the number of individuals who completed a local pretrial intoxicated driver intervention program; the percentage of successful completion of all individuals who commence such a program; the number who, after completing such a program, are arrested for a third or subsequent offense of operating while intoxicated; and the number eligible to participate in the program who did not complete a program and who, after becoming eligible, are arrested for a third or subsequent offense of operating while intoxicated.</p> <p>Consent to participate in a pretrial intoxicated driver intervention program is not an admission of guilt and the consent may not be admitted in evidence in a trial for operating while intoxicated. No statement made by the defendant in connection with any discussions concerning the program or to any person involved in the program is admissible in a trial for operating while intoxicated.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>WYOMING</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • WYO. STAT. ANN. § 5-12-104 (West 2025) (definitions) • WYO. STAT. ANN. § 6-9-203 (West 2025) (unlawful use of toxic substances; penalty) • WYO. STAT. ANN. § 31-5-233 (West 2025) (driving or having control of vehicle while under influence of intoxicating liquor or controlled substances; penalties)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • July 1, 2005 (§ 6-9-203) • March 18, 2025 (§§ 5-12-104 and 31-5-233)
Criminal provisions related to inhalants	<p>§ 6-9-203 provides that a person commits the offense of unlawful use of a toxic substance if he inhales or ingests or possesses with the purpose to inhale or ingest, for the purpose of altering his mental or physical state, any toxic substance that is not manufactured for human consumption or inhalation. The provisions of this section do not apply to a bona fide institution of higher education conducting research with human volunteers pursuant to guidelines adopted by the institution or any federal or state agency. A violation of this section is punishable by imprisonment for not more than six months, a fine of not more than \$750, or both.</p> <p>It defines “toxic substance” to mean:</p> <ol style="list-style-type: none"> (1) Volatile solvents including, but not limited to, paint thinner, gasoline, correction fluid, felt-tip markers, nail polish remover, and glue; (2) Aerosols containing propellants and solvents such as toluene including, but not limited to, spray paint, deodorant, hair products, cooking products, and fabric protectors; (3) Gasses including, but not limited to, butane, refrigerants, and organic hydrocarbons not created for human ingestion, inhalation, or injection; and (4) Nitrates including, but not limited to, cyclohexyl nitrate, amyl nitrate, and butyl nitrate. <p>§ 31-5-233 defines “controlled substance” to include any glue, aerosol, or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual’s ability to drive safely.</p> <p>It prohibits any person from driving or having actual physical control of any vehicle within this state if the person, among other things, is under the influence of a controlled substance to</p>

<u>WYOMING</u>	
Criminal provisions related to inhalants, cont'd	<p>a degree which renders him incapable of safely driving. A person convicted of violating this section shall be ordered to or shall receive a substance use disorder assessment at or before sentencing.</p> <p>Except as otherwise provided, a violation of this section is a misdemeanor punishable by imprisonment for not more than six months, a fine of not more than \$750, or both. It also provides the criminal penalties for second and subsequent violations and provides that, on a third offense resulting in a conviction within 10 years, the defendant shall receive a substance use disorder assessment and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least 30 days in jail except that the court shall consider the assessment and may order the person to undergo outpatient alcohol or substance use disorder treatment during any mandatory period of incarceration. Additionally, the court may suspend up to 15 days of the mandatory period of imprisonment if, subsequent to the date of the current violation, the defendant completes an inpatient treatment program approved by the court. The judge may suspend part or all of the discretionary portion of a sentence of imprisonment and place the defendant on probation on condition that the defendant pursues and completes an alcohol education or treatment program as prescribed by the judge.</p>
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	<p>§ 5-12-104, related to court supervised treatment programs, defines “substance” to include inhalants, making the provisions of this chapter applicable to individuals who use inhalants.</p> <p>See description of § 31-5-233 above.</p>
Miscellaneous provisions	None
Recently proposed legislation	None

<u>GUAM</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • 9 GUAM CODE ANN. §§ 67.401.2.1 and 67.401.2.2 (2025) (included within “Offenses and Penalties”) • 9 GUAM CODE ANN. § 92102 (2025) (driving while impaired)
Effective date(s) of most recent substantive amendment	<ul style="list-style-type: none"> • April 21, 2005 (§§ 67.401.2.1 and 67.401.2.2) • June 17, 2025 (§ 92102)
Criminal provisions related to inhalants	<p>9, § 67.401.2.1 (inhalants) provides that it is unlawful for a person to inhale, ingest, apply, or smell the gases, vapors, or fumes of an aerosol spray product, volatile chemical, substance, or other inhalant that is not used pursuant to the instructions or prescription of a licensed healthcare provider, or that is not used pursuant to the manufacturer’s label instructions, for the purpose of becoming under the influence of such substance, causing intoxication, euphoria, inebriation, stupefaction, or the dulling of that person’s brain or nervous system. It is also unlawful for a person to possess any gas, hazardous inhalant, aerosol spray product, substance containing a volatile chemical or substance containing a material capable of releasing toxic vapors with the intent to violate the above.</p> <p>It provides that nothing in this section applies to the inhalation of a prescription or over-the-counter product for medical or dental purposes, or the inhalation of the vapors or fumes of an alcoholic beverage, the sale and consumption of which is authorized by law.</p> <p>Proof that a person intentionally or knowingly inhaled, ingested, applied, or used a substance in a manner contrary to the directions for use, cautions, or warnings on a label of a container of the substance gives rise to a presumption that the person violated this section.</p> <p>It further provides that a person who violates the above provisions commits a petty misdemeanor. A juvenile court may require a minor found in violation of this section to be provided with treatment and counseling.</p> <p>It is a petty misdemeanor for a first offense and a misdemeanor for subsequent offenses for any person or business to sell or transfer:</p> <ol style="list-style-type: none"> (1) Butane gas or butane lighters or butane in any form to any person under the age of 18; (2) Propane gas to any person under the age of 18; or

<u>GUAM</u>	
Criminal provisions related to inhalants, cont'd	<p>(3) Substances on the list of known inhalants with potential for abuse as defined in § 67.401.2.2, to any person under the age of 18 except a prescription or over-the-counter medication.</p> <p>It provides that it is not unlawful to transfer inhalants to persons under the age of 18 provided that the minor's use of such inhalants is consistent with the product's labeling and is supervised by an adult over the age of 18.</p> <p>9, § 92102 provides that it is unlawful for a person to drive, operate, or be in physical control of any motor vehicle within Guam having, among other things, inhaled, ingested, applied, or otherwise used any chemical, poison or organic solvent, or any compound, or any combination of these when, as a result, his physical or mental abilities are impaired to such degree that he no longer has the ability to drive a motor vehicle with the characteristics of a sober person of ordinary prudence under the same or similar circumstances.</p>
Restrictions on sales	See description of 9, § 67.401.2.1 above.
Prevention, treatment, education provisions related to inhalants	See description of 9, § 67.401.2.1 above.
Miscellaneous provisions	9, § 67.401.2.2 (list of known inhalants with potential for abuse) requires the Guam Behavioral Health and Wellness Center to maintain a list of known inhalants with potential for abuse which shall contain all known substances with potential for abuse. It further requires that the list be reviewed and updated at least once annually, maintained on the internet, and distributed to island retailers and all public and private schools as the list is updated. It requires butane and propane to be included on the list. Penalties contained in 9, § 67.401.2.1 shall not apply to a substance until it has been on the list for a period of not less than six months.
Recently proposed legislation	None

<u>PUERTO RICO</u>	
Statute(s) and regulation(s)	None
Effective date(s) of most recent substantive amendment	N/A
Criminal provisions related to inhalants	None
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>U.S. VIRGIN ISLANDS</u>	
Statute(s) and regulation(s)	None
Effective date(s) of most recent substantive amendment	N/A
Criminal provisions related to inhalants	None
Restrictions on sales	None
Prevention, treatment, education provisions related to inhalants	None
Miscellaneous provisions	None
Recently proposed legislation	None

<u>RECENTLY PROPOSED FEDERAL AND STATE LEGISLATION</u>	
State/Bill Number/ Status	Description
<p><u>Arizona</u> H.B. 2191, 57th Leg., 2d Reg. Sess. (Ariz. 2026) 1/14/2026 – read second time in house</p>	<p>This bill would amend § 13-3403 and repeal §§ 13-3403.01 and 13-3403.02. It would amend § 13-3403 to provide that a person shall not knowingly breathe, inhale, ingest, use, or possess any substance that contains amyl nitrite or nitrous oxide or deliver, give, sell, or transfer, or offer to deliver, give, sell, or transfer any container that exclusively contains nitrous oxide.</p>
<p><u>California</u> S.B. 936, Reg. Sess. (Cal. 2026) 3/3/2026 – set for hearing March 17</p>	<p>This bill would create a new section within the Penal Code, § 381f, to provide that it is unlawful for any person to sell, furnish, offer, distribute, or give away a nitrous oxide container that is capable of holding more than eight grams of nitrous oxide. Additionally, it provides that it is unlawful for any person to sell, furnish, offer, distribute, or give away a nitrous oxide container from which an individual may directly inhale nitrous oxide unless otherwise provided by this section. It would also be unlawful to sell or distribute nitrous oxide that has, or is marketed as having, the taste or smell of any food including, but not limited to, any fruit, candy, dessert, alcoholic beverage, herb, or spice that is distinguishable by an ordinary consumer either prior to or during consumption or use of the product. Finally, it would make it unlawful to sell, offer, distribute, or otherwise provide a device that allows an individual to inhale nitrous oxide from the nitrous oxide container or to hold nitrous oxide released from the nitrous oxide container for purposes of inhalation.</p> <p>A violation would be punishable as an infraction, punishable by a fine of not more than \$500 for the first offense, \$1,000 for a second offense, or \$2,000 for a third or subsequent offense. A court may also suspend a business license for up to one year if the business knowingly violates this section following a prior conviction for a violation of this section. It provides that this section does not apply in certain circumstances.</p>

<u>RECENTLY PROPOSED FEDERAL AND STATE LEGISLATION</u>	
State/Bill Number/ Status	Description
<p><u>Florida</u> S.B. 1394, 128th Reg. Sess. (Fla. 2026) 1/22/2026 - introduced</p>	<p>This bill would remove the provisions regarding the possession and sale of nitrous oxide from § 877.111 and create new § 877.113 regarding the inhalation, ingestion, possession, sale, purchase, or transfer of nitrous oxide. The new section would make it unlawful for any person to inhale or ingest, or possess with intent to inhale or ingest, any compound, liquid, or chemical containing nitrous oxide for the purpose of inducing a condition of intoxication or a condition that distorts or disturbs the auditory, visual, or mental processes. A violation would be a misdemeanor.</p> <p>The new section would also make it a felony of the third degree to: (1) possess more than 16 grams of nitrous oxide; (2) knowingly distribute, sell, purchase, or transfer nitrous oxide to another person for purposes of intoxication; or (3) knowingly distribute, sell, or possess with intent to sell flavored nitrous oxide. It would make it a felony of the second degree to knowingly distribute, sell, purchase, or transfer nitrous oxide to a person younger than 18 years of age for purposes of intoxication.</p> <p>It would also permit a court to require a person who violates this section to participate in a substance abuse services program. Finally, it includes the same exceptions as currently exist in § 877.111 for nitrous oxide.</p>
<p><u>Illinois</u> H.B. 4944, 104th Gen. Assemb., 2d Reg. Sess. (Ill. 2026) 2/6/2026 – referred to rules committee</p>	<p>This bill would amend 720 s. 5/24.5-10 to provide that any person, firm, corporation, co-partnership, limited liability company, association, or business, including an online retailer, that intentionally manufactures, delivers, possesses, or sells with intent to manufacture, deliver, sell, or otherwise transfer nitrous oxide for any purpose prohibited under 5/24.5-5 is guilty of a Class 3 felony.</p>
<p><u>Illinois</u> S.B. 2738, 104th Gen. Assemb., 2d Reg. Sess. (Ill. 2026) 2/24/2026 – to criminal law clear compliance</p>	<p>This bill would amend 720 s. 5/24.5-5 to change the penalty classification from a Class A misdemeanor to a Class 4 felony and the classification for a second or subsequent violation from a Class 4 felony to a Class 3 felony. It would also change the penalty classification in 720 s. 5/24.5-10 from a Class 3 felony to a Class 2 felony.</p>

<u>RECENTLY PROPOSED FEDERAL AND STATE LEGISLATION</u>	
State/Bill Number/ Status	Description
<p><u>Indiana</u> H.B. 1052 S.B. 185 124th Gen. Assemb., 2d Reg. Sess. (Ind. 2026) 3/5/2026 – signed by the president pro tempore (both)</p>	<p>These bills would amend § 35-46-6-3 to add a new exception to the prohibition on the sale, use, or distribution of flavored nitrous oxide which is a law enforcement agency that is disposing of flavored nitrous oxide by donation to a nonprofit organization.</p>
<p><u>Iowa</u> H.F. 2504, 91st Gen. Assemb. (Iowa 2026) 2/16/2026 – introduced, placed on calendar</p>	<p>This bill would amend § 126.22 to provide that the distribution of, or possession with intent to distribute, nitrous oxide by a place of business or retailer creates a rebuttable presumption that the place of business or retailer distributes or possesses nitrous oxide in violation of this section.</p>
<p><u>Massachusetts</u> H.B. 4907, 194th Gen. Ct. (Mass. 2026) 1/23/2026 – hearing scheduled for Feb. 4, 2026</p>	<p>This bill would create new sections relative to the retail sale of nitrous oxide. It would prevent retail establishments, unless authorized, to sell, distribute, offer for sale, or possess for sale any nitrous oxide product, and authorized sellers may only sell nitrous oxide products to persons 21 years or older, and only upon examination of a valid, government-issued identification. It would prevent any person from knowingly selling or distributing nitrous oxide for the purpose of human inhalation or recreational use. Further, it would prevent any person under 21 years of age from purchasing, attempting to purchase, possessing, or knowingly transporting any nitrous oxide product, except when required for legitimate educational or occupational purposes and provides civil penalties for violations of the provisions of this Act.</p>
<p><u>Mississippi</u> H.B. 1551, Reg. Sess. (Miss. 2026) 2/12/2026 – died on calendar</p>	<p>This bill would have created a new § 41-80-1 to prohibit the knowing sale of nitrous oxide products for the purpose of intoxication, particularly to minors, with exceptions for legitimate medical, dental, automotive, or culinary uses.</p>
<p><u>New Hampshire</u> H.B. 1630, Reg. Sess. (N.H. 2026) 3/11/2026 – ought to pass with amendment</p>	<p>This bill would create new § 644:5-b, unlawful sale of inhalants, which prohibits a person doing business in the state from selling, offering for sale, or otherwise transferring any compound, liquid, gas, or chemical which contains certain listed substances. A violation would be a Class A misdemeanor.</p>

<u>RECENTLY PROPOSED FEDERAL AND STATE LEGISLATION</u>	
State/Bill Number/ Status	Description
<p><u>New Hampshire</u> H.B. 1790, Reg. Sess. (N.H. 2026) 3/11/2026 – referred for interim study</p>	<p>This bill would amend § 135-C:2 to add a definition of “substance use disorder,” which includes the intentional inhalation of toxic vapors by a person to the extent that such use substantially injures the person’s health or substantially interferes with the person’s social or economic functioning; or the person has lost the power of self-control over the use of such toxic vapors.</p>
<p><u>New York</u> A.B. 9287, 248th Leg. Sess. (N.Y. 2025) 3/9/2026 – enacting clause stricken</p>	<p>This bill would repeal the provision in Pub. Health Law § 3380 that prohibits individuals from using nitrous oxide for the purposes of causing intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system of himself or another. It would also create a new article in the Penal Law, §§ 223.00 to 223.30, related to criminal possession of nitrous oxide, criminal sale of nitrous oxide in the second degree, and criminal sale of nitrous oxide in the first degree. § 223.00, definitions, would include exceptions to the criminal possession or sale of nitrous oxide. § 223.10, criminal possession of nitrous oxide, would make it a Class A misdemeanor for a person to knowingly possess or use nitrous oxide for any reason other than an acceptable use (defined in § 223.00). § 223.20, criminal sale of nitrous oxide in the second degree, would make it a Class D felony for a person to knowingly and unlawfully sell nitrous oxide to another person and have reasonable cause to believe that the product sold or offered for sale will be used for anything other than an acceptable use. Finally, § 223.30, criminal sale of nitrous oxide in the first degree, would make it a Class C felony for a person 21 years of age or older to knowingly and unlawfully sell nitrous oxide to another person who they know or reasonably should have known is under the age of 21 in violation of § 223.20 of this article.</p>
<p><u>South Carolina</u> H.B. 5202, 126th Leg. Sess. (S.C. 2026) 2/18/2026 – referred to house committee on judiciary</p> <p>S.B. 751 3/11/2026 – referred to house committee on judiciary</p>	<p>These bills would add a new article to the South Carolina code. They would create new §§ 44-53-2510 to 44-53-2540 related to nitrous oxide providing that it is unlawful for a person to possess nitrous oxide or a nitrous oxide product with the intent to sell or distribute in this state unless it is sold, distributed, or transferred to an exempt entity. They would also require individuals who sell or distribute nitrous oxide or nitrous oxide products to take reasonable steps to verify that the purchaser is an exempt entity. They would also provide criminal penalties for violations.</p>

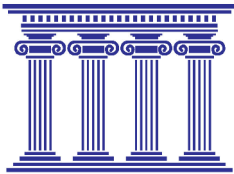
<u>RECENTLY PROPOSED FEDERAL AND STATE LEGISLATION</u>	
State/Bill Number/ Status	Description
<p><u>Tennessee</u> H.B. 1539, 114th Gen. Assemb., 2d Reg. Sess. (Tenn. 2026) 1/15/2026 – assigned to criminal justice subcommittee</p> <p>H.B. 2470 2/5/2026 – assigned to criminal justice subcommittee</p> <p>S.B. 2113 S.B. 2303 2/5/2026 – passed on second consideration, referred to senate judiciary committee (both)</p>	<p>These bills would add a new part to Title 39, Chapter 17 of the Tennessee Code related to nitrous oxide. It would create new § 39-17-2001 that makes it a Class A misdemeanor to knowingly inhale, ingest, use, or possess any compound, liquid, gas, or chemical that contains nitrous oxide and any amyl nitrite. It would permit the court to require a person who violates this section to participate in an approved drug rehabilitation program. New § 39-17-2002 would make exceptions to § 39-17-2001.</p> <p>New § 39-17-2003 would make it an offense for any person, entity, business, or corporation, including an online retailer, to produce, manufacture, possess, buy, sell, or otherwise transfer any compound, liquid, gas, or chemical that contains nitrous oxide in violation of § 39-17-2003.</p>
<p><u>Virginia</u> H.B. 648, Reg. Sess. (Va. 2026) 3/14/2026 – sent to governor</p> <p>S.B. 360 3/10/2026 – sent to governor</p>	<p>These bills would amend § 18.2-264 to add a new provision that prohibits the selling, distribution, or offer to sell or distribute nitrous oxide that has, or is marketed as having, the taste or smell of any food or beverage, including any fruit, candy, dessert, alcoholic beverage, herb, or spice that is distinguishable by an ordinary customer either prior to or during consumption of use of such nitrous oxide to any person who is not exempted. They would also prohibit any person from selling, distributing, or offering to sell or distribute a container of nitrous oxide that exceeds eight grams unless an exception applies.</p>

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The Legislative Analysis and Public Policy Association (LAPPA) is a 501(c)(3) nonprofit organization whose mission is to conduct legal and legislative research and analysis and draft legislation on effective law and policy in the areas of public safety and health, substance use disorders, and the criminal justice system.

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