

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-FIRST SESSION**

**S.F. No. 240**

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DATE	D-PG	OFFICIAL STATUS
01/17/2019	112	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
01/22/2019	142	Author added Dziedzic

- 1.1 A bill for an act
- 1.2 relating to public safety; prohibiting the abuse of products containing DFE and
- 1.3 prohibiting the sale of those products to persons under the age of 21; requiring
- 1.4 notice; amending Minnesota Statutes 2018, section 609.684.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2018, section 609.684, is amended to read:
- 1.7 **609.684 SALES AND ABUSE OF TOXIC SUBSTANCES AND PRODUCTS**
- 1.8 **CONTAINING DFE.**
- 1.9 Subdivision 1. **Toxic substances.** For purposes of this section, "toxic substance" means:
- 1.10 (1) glue, cement, or aerosol paint containing toluene, benzene, xylene, amyl nitrate,
- 1.11 butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does
- 1.12 not include glue, cement, or paint contained in a packaged kit for the construction of a model
- 1.13 automobile, airplane, or similar item;
- 1.14 (2) butane or a butane lighter; or
- 1.15 (3) any similar substance declared to be toxic to the central nervous system and to have
- 1.16 a potential for abuse, by a rule adopted by the commissioner of health under chapter 14.
- 1.17 **Subd. 2a. Sale of products containing DFE to persons under 21 years of age**
- 1.18 **prohibited.** (a) A person is guilty of a petty misdemeanor who sells a product containing
- 1.19 **1,1-difluoroethane (DFE) to a person under the age of 21.**
- 1.20 **(b) It is an affirmative defense to a charge under this subdivision if the defendant proves**
- 1.21 **by a preponderance of the evidence that the defendant reasonably and in good faith relied**
- 1.22 **on proof of age as described in section 340A.503, subdivision 6.**

2.1 Subd. 3. **Use for intoxication prohibited.** A person is guilty of a misdemeanor who  
2.2 uses or possesses any toxic substance or any product containing 1,1-difluoroethane (DFE)  
2.3 with the intent of inducing intoxication, excitement, or stupefaction of the central nervous  
2.4 system, except under the direction and supervision of a medical doctor. A person is guilty  
2.5 of a misdemeanor who intentionally aids another in violation of this subdivision.

2.6 Subd. 4. **Notice required.** (a) A business establishment that offers for sale at retail any  
2.7 toxic substance or any product containing 1,1-difluoroethane (DFE) must display a  
2.8 conspicuous sign that contains the following, or substantially similar, language:

2.9 "NOTICE

2.10 It is a misdemeanor for a person to use or possess glue, cement, or aerosol paint, or any  
2.11 product containing 1,1-difluoroethane (DFE) with the intent of inducing intoxication,  
2.12 excitement, or stupefaction of the central nervous system. This use can be harmful or fatal."

2.13 (b) A business establishment that offers for sale at retail any product containing  
2.14 1,1-difluoroethane (DFE) must display a conspicuous sign that contains the following, or  
2.15 substantially similar, language:

2.16 "NOTICE

2.17 It is a petty misdemeanor for a person to sell a product containing 1,1-difluoroethane (DFE)  
2.18 to a person under the age of 21."

2.19 (c) A business establishment may omit from the required notice in paragraph (a):

2.20 (1) references to any toxic substance that is not offered for sale by that business  
2.21 establishment; or

2.22 (2) the reference to products containing 1,1-difluoroethane (DFE) if the establishment  
2.23 does not sell any of those products.

2.24 ~~(e)~~ (d) A business establishment that does not sell any toxic substance listed in subdivision  
2.25 1 other than butane or butane lighters and does not sell any product containing  
2.26 1,1-difluoroethane (DFE) is not required to post a notice under paragraph (a).

2.27 (e) A business establishment may combine the notices described in paragraphs (a) and  
2.28 (b) into a single notice.

2.29 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts  
2.30 committed on or after that date.