

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2277

03/07/2019 Authored by Huot and Bierman
The bill was read for the first time and referred to the Committee on Ways and Means

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.