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State of Minnesota

Printed Page No. 266

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3539

02/12/2024 Authored by Edelson
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy
02/28/2024 Adoption of Report: Re-referred to the Committee on Public Safety Finance and Policy
03/07/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to commerce; establishing sales restrictions of aerosol dusters containing
1.3 1,1-difluoroethane; providing criminal penalties; proposing coding for new law
1.4 in Minnesota Statutes, chapter 325F.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 325F.078 SALES OF AEROSOL DUSTERS CONTAINING 1,1-
1.7 DIFLUOROETHANE (DFE).

1.8 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.9 the meanings given.

1.10 (b) "Aerosol duster" means a product used to clean electronics and other items by means
1.11 of an aerosol sprayed from a pressurized container.

1.12 (c) "Behind-the-counter" means placement by a retailer of a product to ensure that
1.13 customers do not have direct access to the product before a sale is made, requiring the seller
1.14 to deliver the product directly to the buyer.

1.15 (d) "DFE" or "1,1-difluoroethane" means a chemical with a Chemicals Abstract Service
1.16 Registry Number of 75-37-6.

1.17 Subd. 2. Requirements for retail sale. A retailer must only sell an aerosol duster that
1.18 contains DFE:

1.19 (1) from behind-the-counter;

1.20 (2) to a purchaser who presents valid evidence that the purchaser is at least 21 years of
1.21 age; and

2.1 (3) in a quantity that complies with the purchasing limit established in subdivision 3.

2.2 Subd. 3. **Purchasing limit.** A retailer is prohibited from selling more than three cans of
2.3 an aerosol duster containing DFE to a customer in a single transaction.

2.4 Subd. 4. **Exemption.** Subdivisions 2 and 3 do not apply to a business purchasing aerosol
2.5 dusters online.

2.6 Subd. 5. **Labeling.** (a) An aerosol duster containing DFE must not be sold in this state
2.7 unless the aerosol duster conforms to the labeling requirements established in this subdivision.

2.8 (b) The label on each can of aerosol duster containing DFE must contain the following,
2.9 placed within a red rectangle encompassing at least one-half of the area of the rear side of
2.10 the can:

2.11 (1) at the top left corner of the rectangle, the words "Inhalant Abuse Public Safety
2.12 Announcement" in red ink on a white background that covers one quarter of the rear side
2.13 of the can;

2.14 (2) below the words in clause (1), the words "DANGER: DEATH! Breathing this product
2.15 to get high can kill you" in white ink on a red background;

2.16 (3) at the top right corner of the rectangle, a skull and crossbones symbol in black ink
2.17 on a yellow background contained within a triangle, and the word "DANGER" in black ink
2.18 on a yellow background just below the triangle;

2.19 (4) below the symbol in clause (3), in black ink on a white background, the words:
2.20 "Abuse or Misuse" underlined, under which are the words "Danger: Can stop your heart
2.21 Caution: Can cut off air to your brain Warning: Can result in death";

2.22 (5) below the words in clause (4), a drawing of a person lying on the ground, in white
2.23 ink, within a red circle, on a white background, contained within a red triangle;

2.24 (6) below the triangle in clause (5), in white ink on a red background, the word
2.25 "WARNING," and, below that, "Risk of death when abused or misused";

2.26 (7) across the bottom of the rectangle, in black type on a white background, the words
2.27 "This product contains a bittering agent to help discourage inhalant abuse. The misuse and
2.28 abuse of this product by deliberately concentrating and inhaling the chemical contents
2.29 presents a serious health hazard and can result in fatality. Please use this product responsibly
2.30 as the product was intended."; and

2.31 (8) below the words in clause (7), two smaller versions of the skull and crossbones
2.32 symbols described in clause (3) on a white background, placed equidistant from the edges

3.1 of the red rectangle, and in between which, in red ink, is the website address

3.2 "www.inhalant.org."

3.3 (c) The safety symbols and color standards of the label described in this section must
3.4 conform with the ANSI Z535 safety signage standards guidelines established by the American
3.5 National Standards Institute.

3.6 Subd. 6. **Violations.** (a) A person that violates subdivision 2 or 3 is guilty of a
3.7 misdemeanor.

3.8 (b) It is an affirmative defense to a charge under subdivision 2, clause (2), if the defendant
3.9 proves by a preponderance of the evidence that the defendant reasonably and in good faith
3.10 relied on proof of age as described in section 340A.503, subdivision 6.

3.11 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.12 applies to purchases of aerosol dusters made on or after that date.