

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB184

Hearing Date: Thursday January 23, 2025
Committee On: Judiciary
Introducer: DeKay
One Liner: Prohibit certain sales of nitrous oxide and equipment to use nitrous oxide and provide penalties

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree,
Storer, Storm

Nay:

Absent:

Present Not Voting:

Testimony:

Proponents:

Senator Barry DeKay
Sarah Linden

Representing:

Opening Presenter
Generation V

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 184 prohibits tobacco specialty stores (e.g., smoke shops) from selling nitrous oxide products (e.g., "whippits," Noz, and N20). Users inhale the nitrous oxide in these products to achieve a high. Nitrous oxide is commonly known as "laughing gas." The bill adds several new sections and amends statutes regulating tobacco specialty stores.

Section by Section Summary

Section 1: Amends § 28-1418.01 to apply the defined terms in that section to sections 4 to 6 of the bill.

Section 2: Amends § 28-1425 to subject an officer, director, or manager in control of a corporation that violates sections 4 to 6 of this bill to criminal liability if the officer, director, or manager knows of the violation. This section makes it a Class III misdemeanor for a tobacco specialty store licensee to sell tobacco or alternative nicotine products to anyone under the age of 21. The same penalty applies to officers, directors, or managers in control of a corporation that operates a tobacco specialty store who have knowledge of any violation of the laws governing tobacco specialty stores.



Section 3: Amends § 28-1429, which deals with the effect of tobacco specialty store license revocations and forfeitures, to apply that section to license revocations and forfeitures under sections 4 to 6 of the bill.

Section 4: A new section prohibiting tobacco specialty stores from selling products containing nitrous oxide. A violation of this section is a Class II misdemeanor for the first offense and a Class I misdemeanor for any second or subsequent offense. Other penalties include the revocation and forfeitures of the offender's tobacco specialty store license and the seizure, forfeiture and destruction of all nitrous oxide products in violation of this section.

Section 5: A new section that makes it a Class I misdemeanor for any person holding a license under § 28-1420 to 28-1429 to sell nitrous oxide products. A common carrier knowingly transporting nitrous oxide products for an offending licensee is also guilty of a Class I misdemeanor. A violation of this section is a deceptive trade practice under the Uniform Deceptive Practices Act. As an added penalty, all nitrous oxide products violating this section are subject to seizure, forfeiture and destruction. This section exempts shipments of nitrous oxide products to a foreign trade zone established under 19 U.S.C. 81a et seq., that are not intended for distribution in Nebraska and exempts government employees acting in an official capacity.

Section 6: A new section prohibiting anyone from selling products designed explicitly for inhaling nitrous oxide for recreational purposes. A violation of this section is a Class III misdemeanor for the first offense and a Class II misdemeanor for any second or subsequent offenses. All nitrous oxide products violating this section are subject to seizure.

Section 7: Harmonizing change to section 59-1523.

Section 8: Repealer

Explanation of amendments:

AM 229 strikes the original sections of LB 184 and replaces the bill with new section 1. This section defines a nitrous oxide product and adds language defining flavored nitrous oxide products and differentiates nitrous oxide products from flavored nitrous oxide products.

AM 229 provides under subsection (2) of section 1 that a business entity or corporation shall not sell, offer for sale, give, furnish, or distribute to any consumer a nitrous oxide product or flavored nitrous oxide product, with certain exceptions for nitrous oxide products. A business entity or corporation in violation shall be subject to a Class II misdemeanor for a first offense, a Class I misdemeanor for a second or subsequent offense, and also a civil penalty of \$2,500 for a first or subsequent offense.

AM 229 further provides that all nitrous oxide products or flavored nitrous oxide products sold in violation of this section are subject to seizure and forfeiture and destruction. Any common carrier knowingly transporting such products for a business entity or corporation in violation of this section is guilty of a Class II misdemeanor. In addition to any other penalty, a violation of this section shall constitute a deceptive trade practice under the Uniform Deceptive Trade Practices Act and subject to any remedies or penalties available under such act.

This section exempts shipments of nitrous oxide products or flavored nitrous oxide products to a foreign-trade zone established under 19 U.S.C. 81a et seq., that are not distributed in Nebraska, and exempts government employees acting in the course of their official duties.



Carolyn Bosn, Chairperson

