

REFERENCE TITLE: unlawful use; sale; laughing gas

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HB 2191

Introduced by  
Representative Willoughby

## AN ACT

AMENDING SECTION 13-3403, ARIZONA REVISED STATUTES; REPEALING SECTIONS 13-3403.01 AND 13-3403.02, ARIZONA REVISED STATUTES; AMENDING SECTION 28-3309, ARIZONA REVISED STATUTES; RELATING TO DRUG OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3403, Arizona Revised Statutes, is amended to  
3 read:

4 13-3403. Possession and sale of a vapor-releasing substance  
5 containing a toxic substance; regulation of sale;  
6 exceptions; classification; definition

7 A. A person shall not knowingly:

8 1. Breathe, inhale or drink a vapor-releasing substance containing  
9 a toxic substance.

10 2. Sell, transfer or offer to sell or transfer a vapor-releasing  
11 substance containing a toxic substance to a person WHO IS under eighteen  
12 years of age.

13 3. Sell, transfer or offer to sell or transfer a vapor-releasing  
14 substance containing a toxic substance if ~~such~~ THE person is not, at the  
15 time of sale, transfer or offer, employed by or engaged in operating a  
16 licensed commercial establishment at a fixed location regularly offering  
17 such substance for sale and ~~such~~ THE sale, transfer or offer is made in  
18 the course of employment or operation.

19 4. BREATHE, INHALE, INGEST, USE OR POSSESS ANY SUBSTANCE THAT  
20 CONTAINS AMYL NITRITE OR NITROUS OXIDE.

21 5. DELIVER, GIVE, SELL OR TRANSFER OR OFFER TO DELIVER, GIVE, SELL  
22 OR TRANSFER ANY CONTAINER THAT EXCLUSIVELY CONTAINS NITROUS OXIDE.

23 B. A person making a sale or transfer of a vapor-releasing glue  
24 containing a toxic substance shall:

25 1. Require identification of the purchaser and shall record:

26 ~~1-~~ (A) The name of the glue.

27 ~~2-~~ (B) The date and hour of delivery.

28 ~~3-~~ (C) The intended use of the glue.

29 ~~4-~~ (D) The signature and address of the purchaser.

30 ~~5-~~ (E) The signature of the seller or deliverer.

31 ~~Such record shall be kept~~

32 2. KEEP THE RECORD PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION for  
33 three years and ~~be~~ MAKE THE RECORD available to board inspectors and peace  
34 officers.

35 C. The operator of a commercial establishment shall keep all  
36 vapor-releasing glue containing a toxic substance in a place that is  
37 unavailable to customers without the assistance of the operator or an  
38 employee of the establishment.

39 D. The operator of a commercial establishment selling  
40 vapor-releasing paints and varnishes containing a toxic substance  
41 dispensed by the use of any aerosol spray device shall conspicuously  
42 display an easily legible sign of not less than eleven by fourteen inches  
43 ~~which~~ THAT states: "Warning: inhalation of vapors can be dangerous".

E. This section is not applicable to:

1. The transfer of a vapor-releasing substance containing a toxic substance from a parent or guardian to ~~his~~ THE PARENT'S OR GUARDIAN'S child or ward.

2. The sale or transfer OF A VAPOR-RELEASING SUBSTANCE CONTAINING A TOXIC SUBSTANCE THAT IS made for manufacturing or industrial purposes.

3. THE POSSESSION, USE OR SALE OF NITROUS OXIDE:

(a) FOR AUTOMOTIVE PURPOSES.

(b) AS A PROPELLANT IN FOOD PREPARATION FOR RESTAURANT, FOOD SERVICE OR HOUSEWARE PRODUCTS.

F. Subsection A, paragraphs 2 and 3 and subsections B and C OF THIS SECTION do not apply to substances certified by the department of health services as containing an additive that inhibits inhalation or induces sneezing.

G. A person who violates ~~any provision of~~ this section is guilty of a class 5 felony, but the court, having regard to the nature and circumstances of the offense, may enter judgment of conviction for a class 1 misdemeanor and make disposition accordingly or may place the defendant on probation in accordance with chapter 9 of this title and refrain from designating the offense as a felony or misdemeanor until the probation is terminated. The offense shall be treated as a felony for all purposes until such time as the court enters an order designating the offense a misdemeanor.

H. For the purposes of subsections A and E 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 acetone, volatile acetates, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene, volatile ketones, isophorone, chloroform, methylene chloride, mesityl oxide, xylene, cumene, ethylbenzene, trichloroethylene, mibk, miak, mek or diacetone alcohol, BUTYL NITRITE, SECONDARY BUTYL NITRITE, TERTIARY BUTYL NITRITE or isobutyl nitrite.

Sec. 2. Repeal

Sections 13-3403.01 and 13-3403.02, Arizona Revised Statutes, are repealed.

Sec. 3. Section 28-3309, Arizona Revised Statutes, is amended to read:

28-3309. License suspension and denial; improper use by persons under legal drinking age; improper use by persons under eighteen years of age; providing spirituous liquor to a minor; exceptions

A. The department shall promptly suspend a driver license or nonoperating identification license issued to or the driving privilege of a person who is under the legal drinking age and who is convicted of using

1 a false or lawfully issued license of this state or any other jurisdiction  
2 in violation of section 4-241, subsection L or N for not more than:

3 1. Six months for a first conviction.

4 2. Twelve months for a second or subsequent conviction.

5 B. The department shall promptly deny the right of an otherwise  
6 qualified person to apply for a driver and identification license if the  
7 person does not have a valid driver or identification license and the  
8 person is convicted of using the driver or identification license of  
9 another person in violation of section 4-241, subsection L or N or in  
10 violation of section ~~13-3403.02, subsection C~~ 13-3403, SUBSECTION A,  
11 PARAGRAPH 5 for not more than:

12 1. Six months for a first conviction.

13 2. Twelve months for a second or subsequent conviction.

14 C. The department shall promptly suspend a driver license or  
15 nonoperating identification license issued to or the driving privilege of  
16 a person who is under eighteen years of age and who is convicted of using  
17 a false or lawfully issued license of this state or any other jurisdiction  
18 in violation of section ~~13-3403.02, subsection C~~ 13-3403, SUBSECTION A,  
19 PARAGRAPH 5 for not less than:

20 1. Six months for a first conviction.

21 2. Twelve months for a second or subsequent conviction.

22 D. If a judge orders the suspension of a driver license or driving  
23 privilege for a violation of section 4-241, subsection P, the department  
24 shall promptly suspend a driver license issued to or the driving privilege  
25 of the person for the period of time ordered by the judge.

26 E. Subsection D of this section does not apply to any of the  
27 following:

28 1. A parent who is over twenty-one years of age and who gives  
29 spirituous liquor to the parent's child in a private residence.

30 2. A guardian who is over twenty-one years of age and who gives  
31 spirituous liquor to the guardian's ward in a private residence.

32 3. A person who gives spirituous liquor to another person who is  
33 under twenty-one years of age in conjunction with a religious service or  
34 ceremony pursuant to section 4-249 if the spirituous liquor was lawfully  
35 purchased.

36 4. A title 4 licensee and its employees, as long as the licensee is  
37 acting within the scope of its license and the employee is acting within  
38 the scope of employment.