

1 SB490  
2 168968-1  
3 By Senator Singleton  
4 RFD: Judiciary  
5 First Read: 19-MAY-15

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8 SYNOPSIS: This bill would prohibit the use, delivery,  
9 sale, or manufacture of nitrous oxide cartridges in  
10 this state, would provide criminal penalties for  
11 violations, and would provide for the forfeiture of  
12 the nitrous oxide cartridges.

13 Amendment 621 of the Constitution of Alabama  
14 of 1901, now appearing as Section 111.05 of the  
15 Official Recompilation of the Constitution of  
16 Alabama of 1901, as amended, prohibits a general  
17 law whose purpose or effect would be to require a  
18 new or increased expenditure of local funds from  
19 becoming effective with regard to a local  
20 governmental entity without enactment by a 2/3 vote  
21 unless: it comes within one of a number of  
22 specified exceptions; it is approved by the  
23 affected entity; or the Legislature appropriates  
24 funds, or provides a local source of revenue, to  
25 the entity for the purpose.

26 The purpose or effect of this bill would be  
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,  
2 the bill does not require approval of a local  
3 governmental entity or enactment by a 2/3 vote to  
4 become effective because it comes within one of the  
5 specified exceptions contained in the amendment.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to nitrous oxide; to prohibit the use,  
12 delivery, sale, or manufacture of nitrous oxide cartridges; to  
13 provide criminal penalties; to provide for the forfeiture of  
14 the nitrous oxide cartridges; and in connection therewith  
15 would have as its purpose or effect the requirement of a new  
16 or increased expenditure of local funds within the meaning of  
17 Amendment 621 of the Constitution of Alabama of 1901, now  
18 appearing as Section 111.05 of the Official Recompilation of  
19 the Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) For the purposes of this section, the  
22 term "nitrous oxide cartridge" means a cartridge, charger, or  
23 canister that contains food grade or pharmaceutical grade  
24 nitrous oxide as a principal ingredient.

25 (b) It shall be unlawful for any person to use,  
26 deliver, or sell, possess with intent to deliver or sell, or

1 manufacture with intent to deliver or sell, or to possess with  
2 intent to use, a nitrous oxide cartridge.

3 (c) A nitrous oxide cartridge used in violation of  
4 this section shall be contraband and subject to the forfeiture  
5 laws of this state.

6 (d) A violation of subsection (b) shall be a Class B  
7 misdemeanor.

8 Section 2. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, now  
12 appearing as Section 111.05 of the Official Recompilation of  
13 the Constitution of Alabama of 1901, as amended, because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

16 Section 3. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.