

SFA

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

• (517) 373-5383

RECEIVED**SEP 06 1989**

Mich. State Law Librai

Senate Bill 26 (as passed by the Senate)

Sponsor: Senator John Cherry

Committee: State Affairs, Tourism, and Transportation

Date Completed: 7-25-89

RATIONALE

In addition to its medical and dental uses, nitrous oxide, more commonly known as "laughing gas", also apparently has gained some popularity as a recreational drug. The gaseous anesthesia reportedly is readily available and inexpensive at "head" shops, i.e., the type of stores that would have sold drug paraphernalia (before it became illegal) in addition to such "everyday" items as tapes, records, and videos. Since the drug reportedly causes measurable impairment of normal neurological functions, particularly visual perception and cognition and motor responses, some feel that efforts should be made to prohibit its use as a recreational drug.

CONTENT

The bill would amend the Michigan Penal Code to prohibit the sale, except for medical or dental purposes, of nitrous oxide gas that was intended or promoted in a form suitable for use by a person by breathing, inhaling, or sniffing the product for a recreational purpose. Violation of the bill would constitute a misdemeanor.

The bill would take effect January 1, 1990.

Proposed MCL 750.472

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local units of government. Costs under this bill would depend on the level

of enforcement and number of convictions.

ARGUMENTS**Supporting Argument**

Nitrous oxide, like all drugs, can have hazardous, toxic side effects if administered in the wrong doses or over an extended period of time. The fact that the drug can profoundly affect a person's visual acuity and motor responses--functions essential, for instance, to safe driving performance--is reason enough to prohibit the use of the drug for recreational purposes.

Legislative Analyst: L. Burghardt

Fiscal Analyst: F. Sanchez

S.B. 26 (7-25-89)

A8990\S26A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.