



**SENATE BILL 1843**

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 39; Title 57, Chapter 7; Title 63 and Title 67, Chapter 4, Part 10, relative to the "Nitrous Oxide Abuse Prevention and Retail Sale Prohibition Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, is amended by adding the following as a new part:

**39-17-2001.** This part is known and may be cited as the "Nitrous Oxide Abuse Prevention and Retail Sale Prohibition Act."

**39-17-2002.** As used in this part, unless the context otherwise requires:

(1) "Nitrous oxide" means:

(A) N<sub>2</sub>O, a colorless gas or liquid that is also referred to as dinitrogen monoxide, nitrogen oxide, or laughing gas; and

(B) Any substance containing nitrous oxide;

(2) "Sales at retail" means and includes any transfer, made in the ordinary course of trade or in the usual prosecution of a vape shop retailer's business, of nitrous oxide to the purchaser for use or consumption and for a valuable consideration;

(3) "Vape shop" means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of electronic smoking devices, liquid nicotine, liquid nicotine containers, or vapor products; and

(4) "Vape shop retailer" means every person, partnership, firm, corporation, or association engaged in the business of making sales at retail of

electronic smoking devices, liquid nicotine, liquid nicotine containers, vapor products, or nitrous oxide within this state.

**39-17-2003.**

(a) Notwithstanding § 39-17-452, it is an offense for a vape shop retailer, or a distributor, wholesaler, or importer of vape products, who sells or offers for sale a vapor product for retail sale in this state to sell nitrous oxide.

(b)

(1) The following penalties apply to violations of this section:

(A)

(i) A vape shop retailer, or a distributor, wholesaler, or importer of vape products, who sells or offers for sale nitrous oxide for retail sale in this state is subject to a civil penalty of up to five hundred dollars (\$500) for each individual product offered for sale in violation of this section;

(ii) The civil penalty for a second violation under this subdivision (b)(1) within a twelve-month period is at least seven hundred fifty dollars (\$750) but not more than one thousand dollars (\$1,000) per product, and the suspension of the license of the vape shop retailer, or distributor, wholesaler, or importer of vape products for thirty (30) calendar days; and

(iii) The civil penalty for a third violation under this subdivision (b)(1) within a twelve-month period is at least one thousand dollars (\$1,000) but not more than one

thousand five hundred dollars (\$1,500) per product, and the revocation of the license of the vape shop retailer, or distributor, wholesaler, or importer of vape products; and

(B) A manufacturer who knowingly causes nitrous oxide to be sold for retail sale in this state, whether directly or through a vape shop retailer, or a distributor, wholesaler, or importer of vape products, or similar intermediary or intermediaries, is subject to a civil penalty of ten thousand dollars (\$10,000) for each individual nitrous oxide product offered for sale in violation of this section.

(2) In an action to enforce this section, the state is entitled to recover costs, including the costs of investigation, expert witness fees, and reasonable attorney fees.

(3) Notwithstanding this section to the contrary, a repeated violation of this section constitutes a deceptive trade practice under § 47-18-104.

SECTION 2. This act takes effect July 1, 2026, the public welfare requiring it.

Amendment No. 1 to SB1843

Gardenhire  
Signature of Sponsor

**AMEND Senate Bill No. 1843**

**House Bill No. 1644\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, is amended by adding the following as a new part:

**39-17-2001.** This part is known and may be cited as the "Nitrous Oxide Abuse Prevention and Retail Sale Prohibition Act."

**39-17-2002.** As used in this part, unless the context otherwise requires:

(1) "Nitrous oxide" means:

(A) N<sub>2</sub>O, a colorless gas or liquid that is also referred to as dinitrogen monoxide, nitrogen oxide, or laughing gas; and

(B) Any substance containing nitrous oxide; and

(2) "Retail seller" means a tobacco vending machine, place, store, booth, concession, truck or vehicle, person, partnership, firm, entity, corporation, or association engaged in the business of making sales at retail of nitrous oxide directly to the ultimate consumer within this state.

**39-17-2003.**

(a)

(1) It is unlawful for a retail seller to sell or offer for sale nitrous oxide.

(2) A retail seller who violates subdivision (a)(1) is subject to a civil penalty of two thousand five hundred dollars (\$2,500) for the first violation and all nitrous oxide sold or offered for sale is deemed to be contraband and must be seized by the enforcing authority.

(3) For a second or subsequent violation of subdivision (a)(1), a retail seller who sells or offers for sale nitrous oxide is subject to a civil penalty of five thousand dollars (\$5,000), and all nitrous oxide sold or offered for sale is deemed to be contraband and must be seized by the enforcing authority. If the retail seller has been issued a certificate, permit, or license authorizing the sale of products at retail, including, but not limited to, beer, wine, alcoholic beverages, or hemp-derived cannabinoids, then the issuing authority must revoke the certificate, permit, or license upon a second or subsequent violation of this section. The retail seller may reapply for a retail certificate, license, or permit revoked pursuant to this subdivision (a)(3) no earlier than twelve (12) months from the date of the revocation.

(b)

(1) It is an offense for a person to sell, offer to sell, deliver, or give away to another nitrous oxide if the person has reasonable cause to suspect that the nitrous oxide sold, offered for sale, delivered, or given away will be used for the purpose of causing a condition of intoxication, inebriation, elation, dizziness, excitement, stupefaction, paralysis, or the dulling of the brain or nervous system, or disturbing or distorting of the audio or visual processes.

(2) A violation of subdivision (b)(1) is a Class E felony.

(c) This section does not prohibit the sale or offering for sale of nitrous oxide by a manufacturer, distributor, or wholesaler for medical or dental purposes or to implement the distribution of beverages or other foodstuffs for commercial purposes.

SECTION 2. Tennessee Code Annotated, Section 39-17-422(a), is amended by deleting the following language:

, or to the use of nitrous oxide to implement the distribution of beverages or other foodstuffs for commercial purposes

SECTION 3. Tennessee Code Annotated, Section 39-17-422(d), is amended by deleting "nitrous oxide,".

SECTION 4. This act takes effect July 1, 2026, the public welfare requiring it.