

Subject Restriction on the sale of certain aerosol dusters

Authors Edelson

Analyst Ben Johnson (ben.johnson@house.mn.gov)

Date March 5, 2024

Overview

DFE (1,1-difluoroethane) is a gas used in some products as a refrigerant or propellant. DFE is considered toxic and has been abused through inhalation. In a statement by commissioner Rich Trumka, Jr. released on August 2, 2023, the Consumer Protection Safety Commission reported that, between 2006 and 2022, it received reports of 1,115 deaths and 28,800 emergency room visits linked to inhalation of DFE.

This bill sets requirements for the retail sale of aerosol dusters. The requirements include limiting sales to people who are at least 21 years old, limiting sales to only three cans of an aerosol duster in a single transaction, and requiring specific warning labels to be placed on cans. Violations of the requirements are a misdemeanor.

Summary

Section	Description
---------	-------------

1	Sales of aerosol dusters containing 1,1-difluoroethane (DFE).
---	--

Subd. 1. Definitions. Defines the terms “aerosol duster,” “behind-the-counter,” and “DFE” or “1,1-difluoroethane” for purposes of this section.

Subd. 2. Requirements for retail sale. Establishes that a retailer must only sell an aerosol duster that contains DFE from behind-the-counter, to a purchaser who presents valid evidence that the person is at least 21 years of age, and in quantities that do not exceed the limit established in subdivision 3.

Subd. 3. Purchasing limit. Establishes that retailers are prohibited from selling more than three cans of an aerosol duster that contains DFE to a customer in a single transaction.

Section	Description
---------	-------------

Subd. 4. Exemption. Provides that subdivisions 2 and 3 do not apply to a business purchasing aerosol dusters that contain DFE online.

Subd. 5. Labeling. Requires all aerosol dusters that contain DFE sold in the state to contain labeling that includes the information and warnings specified in the subdivision.

Subd. 6. Violations. Establishes that a violation of subdivision 2 or 3 is a misdemeanor. Establishes an affirmative defense to a charge that a retailer sold a product to a person under age 21 if the retailer proves by a preponderance of the evidence that the retailer reasonably relied on the type of proof of age required to purchase alcohol.

Effective date. The section is effective the day following final enactment and applies to sales made on or after that date.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn.gov/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155