

2025 SENATE HUMAN SERVICES

SB 2195

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2195
1/21/2025

Relating to the classification of difluoroethane as a volatile chemical; and to provide a penalty.

9:02 a.m. Chairman Lee called the meeting to order.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Standards in other states
- Youth addiction

9:04 a.m. Senator Lee testified in favor.

9:06 a.m. Victoria Christian, Legal Counsel at North Dakota Legislative Council, testified in neutral.

9:12 a.m. Senator Roers moved Do Pass on amendment LC#25.1022.01001

9:15 a.m. Senator Hogan seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

9:15 a.m. Motion passed 6-0-0.

9:15 a.m. Senator Hogan moved Do Pass as amended.

9:16 a.m. Senator Clemens seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y

Senator Desiree Van Oosting	Y
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9:16 a.m. Motion passed as amended 6-0-0.

9:16 a.m. Senator Lee will carry the bill.

9:16 a.m. Senator Lee closed the hearing.

Andrew Ficek, Committee Clerk

January 21, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2195

Introduced by

Senator Lee

JB 1-21-25
1083

1 A BILL for an Act to create and enact a new section to chapter 19-21 of the North Dakota
2 Century Code, relating to requirements for selling aerosol dusters containing difluoroethane; to
3 amend and reenact subsection 2 of section 19-03.1-22.1 of the North Dakota Century Code,
4 relating to the classification of difluoroethane as a volatile chemical; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 19-03.1-22.1 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 2. This section does not apply to inhalations specifically prescribed for medical, dental, or
9 optometric treatment purposes or to controlled substances described in this chapter.
10 For the purposes of this section, "volatile chemical" includes the following chemicals or
11 their isomers:

- 12 a. Acetone.
- 13 b. Aliphatic hydrocarbons.
- 14 c. Amyl nitrite.
- 15 d. Butane.
- 16 e. Butyl nitrite.
- 17 f. Carbon tetrachloride.
- 18 g. Chlorinated hydrocarbons.
- 19 h. Chlorofluorocarbons.
- 20 i. Chloroform.

July 2013

- 1 j. Cyclohexane.
- 2 k. Diethyl ether.
- 3 l. Difluoroethane.
- 4 m. Ethyl acetate.
- 5 ~~m-n.~~ Fluorocarbon.
- 6 ~~n-o.~~ Glycol ether inter solvent.
- 7 ~~o-p.~~ Glycol ether solvent.
- 8 ~~p-q.~~ Hexane.
- 9 ~~q-r.~~ Ketone solvent.
- 10 ~~r-s.~~ Methanol.
- 11 ~~s-t.~~ Methyl cellosolve acetate.
- 12 ~~t-u.~~ Methyl ethyl ketone.
- 13 ~~u-v.~~ Methyl isobutyl ketone.
- 14 ~~v-w.~~ Nitrous oxide.
- 15 ~~w-x.~~ Petroleum distillate.
- 16 ~~x-y.~~ Toluene.
- 17 ~~y-z.~~ Trichloroethane.
- 18 ~~z-aa.~~ Trichloroethylene.
- 19 ~~aa-bb.~~ Xylol or xylene.

20 **SECTION 2.** A new section to chapter 19-21 of the North Dakota Century Code is created
21 and enacted as follows:

22 **Difluoroethane - Requirements for retail sale - Labeling.**

23 **1. For purposes of this section:**

- 24 a. "Aerosol duster" means a product containing an aerosol propellant that may be
25 used to clean electronics.
- 26 b. "Behind the counter" means a product placed behind a counter or other barrier,
27 or in a locked cabinet, where a purchaser does not have direct access before
28 sale.
- 29 c. "Proof of age" means a document issued by a governmental agency which
30 contains a description of the individual or a photograph of the individual, or both,

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- 1 and gives the individual's date of birth. The term includes a passport, military
- 2 identification card, or driver's license.
- 3 2. A retailer may sell an aerosol duster that contains 1,1-difluoroethane only:
- 4 a. From behind the counter;
- 5 b. To a purchaser verified to be at least ~~eighteen~~ twenty-one years of age, with proof
- 6 of age; and
- 7 c. In a quantity of no more than ~~three~~ four cans in a single transaction.
- 8 3. The department shall adopt labeling requirements for products containing
- 9 1,1-difluoroethane to protect the health and safety of the public.

**REPORT OF STANDING COMMITTEE
SB 2195**

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS** ([25.1022.01001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2195 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE HUMAN SERVICES

SB 2195

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2195
3/11/2025

Relating to the classification of difluoroethane as a volatile chemical; and to provide a penalty.
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2:27 p.m. Chairman M. Ruby opened the hearing.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rohr
Members Absent: Representatives Bolinske, Davis, Rios

Discussion Topics:

- Aerosol duster chemicals

2:28 p.m. Senator Lee, District 13, introduced the bill.

Additional written testimony:

Christopher Finarelli, The Household & Commercial Products Association, submitted testimony in opposition, #39693.

2:33 p.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk



February 28, 2025

The Honorable Matthew Ruby, Chair
House Human Services Committee
North Dakota State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Re: Senate Bill SB 2195 (Lee): Restricting the Sale of Aerosol Dusters – OPPOSE

Dear Chair Ruby, Vice-Chair Frelich, and Members of the Committee:

The Household & Commercial Products Association (HCPA)¹ appreciates the opportunity to provide written comments on SB 2195, which seeks to impose additional restrictions on the sale of aerosol dusters. HCPA respectfully opposes this legislation and wishes to work with the committee on addressing this important issue.

Federal Activity Underway

The Federal Consumer Product Safety Commission (CPSC) is currently engaged in rulemaking regarding aerosol dusters and inhalant abuse. Any state-level legislation that imposes new sales restrictions or labeling requirements risks conflicting with or duplicating the forthcoming federal rules, leading to overregulation. HCPA urges North Dakota leaders to engage with the CPSC process to ensure a consistent national approach before pursuing state-specific measures.

Conflicting State Rules

Last year, Governor Tim Walz signed legislation establishing the nation's first labeling requirements for aerosol dusters at the state level. Manufacturers are actively working to comply with these new labels, which will take effect this summer. SB 2195 introduces additional labeling mandates, placing manufacturers in an untenable position where they must navigate conflicting requirements between Minnesota and North Dakota. Companies do not have the capacity to produce state-specific labels, as the design and printing processes are streamlined for national distribution. Requiring different labels for individual states creates unnecessary logistical and financial impossibilities.

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

Aerosol product labels already contain vital information, including product identification, usage instructions, federally mandated warnings, first aid details, emergency contact information, and, in some cases, Spanish translations. The limited space available on these labels makes it impractical to accommodate state-specific requirements without displacing critical consumer information. Importantly, there is no evidence to suggest that additional label warnings under SB 2195 would further deter inhalant abuse beyond the robust existing federal standards, industry standards, and the additional new requirements under Minnesota.

Ambiguity in Business-to-Business Transactions

The language in SB 2195 regarding business-to-business transactions is ambiguous. Products often change hands multiple times — between manufacturers, distributors, wholesalers, and retailers — as well as other businesses or entities that purchase aerosol dusters for operational use. It is critical to clarify that these are not consumer-facing transactions. Should the committee choose to advance this bill, we strongly urge that this language be refined to prevent unintended consequences for legitimate business operations- in addition to striking the labeling verbiage.

Addressing Inhalant Abuse

HCPA recognizes the seriousness of inhalant abuse and is committed to preventing the misuse of household and commercial products. Our industry has proactively educated consumers about safe product use through clear labeling and supports outreach initiatives aimed at raising awareness. Aerosol dusters already carry explicit warnings about the dangers of intentional misuse, including the risk of serious injury or death.

We believe effective solutions lie in addressing the root causes of inhalant abuse. HCPA has previously supported legislation allowing law enforcement to prosecute individuals driving under the influence of inhaled substances — a measure adopted in multiple states and being considered in others. Rather than initiating a patchwork of divergent state rules to regulate legitimate consumer products, we encourage collaborative efforts among parents, businesses, and community leaders to educate young people about the dangers of inhalant abuse.

Conclusion

Given the ongoing federal rulemaking process and the recent enactment of Minnesota's new labeling law, HCPA opposes SB 2195. We remain committed to working with lawmakers to combat inhalant abuse through education and enforcement strategies that address misuse, rather than the products themselves.

HCPA welcomes the opportunity to engage with you and the committee to develop practical solutions that protect public health while ensuring consistency with federal regulations.

Sincerely,



Christopher Finarelli
Sr. Director, State Government Relations & Public Policy

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2195
3/19/2025

Relating to the classification of difluoroethane as a volatile chemical; and to provide a penalty.
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9:09 a.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rohr
Members Absent: Representatives Davis, Rios

Discussion Topics:

- Committee action

9:09 a.m. Representative Holle moved a Do Not Pass.

9:09 a.m. Vice Chairman Frelich seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	N
Representative Macy Bolinske	Y
Representative Jayme Davis	AB
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	AB
Representative Karen Rohr	Y

9:13 a.m. Motion passed 10-1-2.

Representative Holle will carry the bill.

9:13 a.m. Chairman M. Ruby closed the meeting.

Jackson Toman, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2195 ([25.1022.02000](#))**

Human Services Committee (Rep. M. Ruby, Chairman) recommends **DO NOT PASS** (10 YEAS, 1 NAY, 2 ABSENT OR EXCUSED AND NOT VOTING). SB 2195 was placed on the Fourteenth order on the calendar.