

SB2738



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2738

Introduced 1/13/2026, by Sen. Darby A. Hills

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24.5-5
720 ILCS 5/24.5-10

Amends the Criminal Code of 2012. Increases, by one class, the penalties for the unlawful possession of nitrous oxide or any substance containing nitrous oxide. Increases, by one class, the penalties for intentionally manufacturing, delivering, or possessing with intent to manufacture or deliver nitrous oxide for any prohibited purpose.

LRB104 15244 RLC 28394 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 24.5-5 and 24.5-10 as follows:

6 (720 ILCS 5/24.5-5)

7 Sec. 24.5-5. Unlawful possession. Any person who possesses
8 nitrous oxide or any substance containing nitrous oxide, with
9 the intent to breathe, inhale, or ingest for the purpose of
10 causing a condition of intoxication, elation, euphoria,
11 dizziness, stupefaction, or dulling of the senses or for the
12 purpose of, in any manner, changing, distorting, or disturbing
13 the audio, visual, or mental processes, or who knowingly and
14 with the intent to do so is under the influence of nitrous
15 oxide or any material containing nitrous oxide is guilty of a
16 Class 4 felony ~~A misdemeanor~~. A person who commits a second or
17 subsequent violation of this Section is guilty of a Class 3 4
18 felony. This Section shall not apply to any person who is under
19 the influence of nitrous oxide or any material containing
20 nitrous oxide pursuant to an administration for the purpose of
21 medical, surgical, or dental care by a person duly licensed to
22 administer such an agent.

23 (Source: P.A. 91-366, eff. 1-1-00.)

1 (720 ILCS 5/24.5-10)

2 Sec. 24.5-10. Unlawful manufacture or delivery. Any
3 person, firm, corporation, co-partnership, limited liability
4 company, or association that intentionally manufactures,
5 delivers, or possesses with intent to manufacture or deliver
6 nitrous oxide for any purpose prohibited under Section 24.5-5
7 is guilty of a Class 2 ~~3~~ felony.

8 (Source: P.A. 91-366, eff. 1-1-00.)