

## The Commonwealth of Massachusetts

PRESENTED BY:

*John Barrett, III and Paul W. Mark*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

## An Act relative to the sale of nitrous oxide.

**PETITION OF:**

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>12/18/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>12/18/2025</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>1/8/2026</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>1/7/2026</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/8/2026</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>1/8/2026</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/8/2026</i>

By Representative Barrett of North Adams and Senator Mark, a joint petition (subject to Joint Rule 12) of John Barrett, III and Lindsay N. Sabadosa relative to the sale of nitrous oxide. Consumer Protection and Professional Licensure.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

## An Act relative to the sale of nitrous oxide.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

## 1 SECTION 1. Purpose

2 The purpose of this act is to protect the public health, safety, and welfare by restricting  
3 the retail sale of nitrous oxide cartridges and canisters that are commonly misused for  
4 recreational inhalation, while preserving access for legitimate culinary, medical, dental and  
5 industrial uses.

## 6 SECTION 2. Definitions

7 For the purposes of this act:

8 (a) "Nitrous oxide product" means any steel cartridge, cylinder, canister, tank or container  
9 filled with nitrous oxide, including but not limited to "whippets", "whip-it chargers", "cream  
10 chargers", or any similarly packaged product.

11 (b) "Retail establishment" means any business engaged in the sale of goods directly to  
12 consumers, including smoke shops, vape shops, convenience stores, gas stations, and general  
13 retail outlets.

14 (c) "Authorized seller" means (1) a licensed culinary-supply retailer whose primary  
15 business is the sale of kitchen, baking, or food-service equipment; or (2) a licensed medical-  
16 supply or dental-supply distributor serving healthcare and dental professionals.

### 17 SECTION 3. Restrictions on Retail Sale

18 (a) No retail establishment other than an authorized seller shall sell, distribute, offer for  
19 sale, or possess for sale any nitrous oxide product.

20 (b) Authorized sellers may sell nitrous oxide products only to persons aged 21 or older,  
21 and only upon examination of a valid, government-issued photo identification.

22 (c) Nitrous oxide products shall not be openly displayed to the general public. Such  
23 products may only be provided upon direct request and kept behind the counter or in a non-  
24 public storage area.

## 25 SECTION 4. Prohibited Conduct.

26 (a) No person shall knowingly sell or distribute nitrous oxide for the purpose of human  
27 inhalation or recreational use.

28 (b) No person under 21 years of age shall purchase, attempt to purchase, possess, or  
29 knowingly transport any nitrous oxide product, except when required for legitimate educational  
30 or occupational purposes.

31                   SECTION 5. Authorized sellers shall post a clearly visible sign stating: "Sale of Nitrous  
32                   Oxide to Persons Under Age 21 is Prohibited by State Law. Recreational inhalation of nitrous  
33                   oxide is dangerous and illegal."

34                   SECTION 6. Recordkeeping Requirements

35                   Authorized sellers shall maintain a record of each sale for a minimum of one year,  
36                   including: (1) date of sale; (2) purchaser's name and date of birth, as verified by ID; (3) quantity  
37                   sold. Records shall be made available for inspection by the Department of Public Health upon  
38                   request.

39                   SECTION 7. Enforcement and Penalty

40                   (a) This act shall be enforced by the Department of Public Health, local boards of health,  
41                   and municipal law-enforcement agencies.

42                   (b) Violations shall result in the following civil penalties:

43                   (i) a fine of up to \$300 for first offenders; (ii) a fine of up to \$500 for second offenders;  
44                   (iii) a fine of up to \$1,000 for third and subsequent offenders, with the possibility of suspension  
45                   or revocation of state or local retail licenses.

46                   (c) Each day of continued violation constitutes a separate offense.

47                   SECTION 8. Preemption

48                   Nothing in this act shall prevent a municipality from adopting stricter local regulations  
49                   governing nitrous oxide sales.