

HOUSE No. 5273

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 25, 2026.

The committee on Consumer Protection and Professional Licensure, to whom was referred the joint petition (accompanied by bill, House, No. 4907) of John Barrett, III and Lindsay N. Sabadosa relative to the sale of nitrous oxide, reports recommending that the accompanying bill (House, No. 5273) ought to pass.

For the committee,

TACKEY CHAN.

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**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. Chapter 270 of the General Laws, as appearing in the 2024 Official Edition,
2 is hereby amended by inserting after section 18 the following new section:-

3 Section 18A. (a) For the purposes of this section the following words shall have the
4 following meanings unless the context clearly requires otherwise:

5 "Authorized seller", means: (1) a culinary-supply retailer whose primary business is the
6 sale of kitchen, baking, or food-service equipment and is classified under Code Number 4244 or
7 423440 of the North American Industry Classification System (NAICS); (2) a medical-supply or
8 dental-supply distributor serving healthcare and dental professionals classified under Code
9 Number 423450 or 325412 of the NAICS; (3) a supplier of automotive parts classified under
10 Code Number 4413 or 4231 of the NAICS; (4) a supplier of manufacturing or industrial
11 operation equipment classified under Code Number 424690 or 325120 of the NAICS; or (5) any
12 other vendor authorized by the department of public health to sell or distribute nitrous oxide
13 products.

14 "Nitrous oxide product", means any steel cartridge, cylinder, canister, tank or container
15 filled with any of the following substances: N₂O, dinitrogen monoxide, dinitrogen oxide,
16 nitrogen oxide, or "laughing gas".

17 "North American Industry Classification System" or "NAICS", means the standard
18 classification of business established used by Federal statistical agencies for the purpose of
19 collecting, analyzing, and publishing statistical data related to the U.S. business economy.

20 "Retail establishment", means any business engaged in the sale of goods directly to
21 consumers.

22 (b) No person shall knowingly sell or distribute nitrous oxide for the purpose of human
23 inhalation or for the purpose of causing a condition of intoxication, euphoria, excitement,
24 exhilaration, stupefaction, or dulled senses or nervous system.

25 (c) No retail establishment other than an authorized seller shall sell, distribute, offer for
26 sale, or possess for sale any nitrous oxide product. Authorized sellers may sell nitrous oxide
27 products only to persons aged 21 or older, and only upon examination of a valid, government-
28 issued photo identification.

29 (d) Nitrous oxide products shall not be openly displayed to the general public. Such
30 products may only be provided upon direct request and kept behind the counter or in a non-
31 public storage area. 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 (e) This section shall not apply to: (i) the sale of nitrous oxide contained in food products
35 for use as a propellant; or (ii) any person who administers nitrous oxide for the purpose of
36 providing medical or dental care, if administered by a medical or dental practitioner licensed by
37 the department of public health or at the direction or under the supervision of such a practitioner
38 licensed by the state.

39 (f) Any person who violates this section shall be punished by a fine of up to \$1,000 for a
40 first offense, a fine of up to \$2,000 for a second offense, and a fine of up to \$5,000 for third and
41 subsequent offenses. Each day of continued violation constitutes a separate offense.