



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1200

S.P. 489

In Senate, March 20, 2025

**An Act to Prohibit the Sale of Items Intended to Be Used to Inhale
Nitrous Oxide for Recreational Purposes**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator RENY of Lincoln. (BY REQUEST)

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2383-D** is enacted to read:

3 **§2383-D. Unlawful sale or distribution of device containing nitrous oxide or intended**
4 **to be used to inhale nitrous oxide**

5 **1. Prohibited act.** Except as provided in subsection 2, a person may not intentionally
6 or knowingly sell or distribute to another person a device that contains nitrous oxide or is
7 intended to be used to contain nitrous oxide for the purpose of causing intoxication,
8 euphoria, inebriation, excitement, stupefaction or the dulling of that person's brain or
9 nervous system through the inhalation of the nitrous oxide.

10 **2. Exception.** The prohibition under subsection 1 does not apply to the sale or
11 distribution of a device under subsection 1 to:

12 A. A dentist, dental hygienist or dental therapist who has obtained a sedation and
13 general anesthesia permit pursuant to Title 32, section 18379;

14 B. A pharmacist or pharmacy intern who dispenses the device in accordance with the
15 applicable scope of practice; or

16 C. A physician or physician assistant who is licensed by the Board of Licensure in
17 Medicine or Board of Osteopathic Licensure and who dispenses the device in
18 accordance with the applicable scope of practice.

19 **3. Penalties.** A person who violates this section commits a civil violation for which a
20 fine must be adjudged as follows:

21 A. Not less than \$250 nor more than \$500 for the first offense;

22 B. Not less than \$400 nor more than \$700 for the 2nd offense; and

23 C. One thousand dollars for the 3rd and each subsequent offense.

24 **SUMMARY**

25 This bill prohibits a person from intentionally or knowingly selling or distributing to
26 another person a device that contains nitrous oxide or is intended to be used to inhale nitrous
27 oxide for recreational drug use purposes. Dentists, dental hygienists, dental who therapists,
28 pharmacists, pharmacy interns, physicians and physician assistants who administer nitrous
29 oxide in accordance with their scopes of practice are exempt from this provision. A person
30 who violates this provision commits a civil violation and is subject to a fine of not less than
31 \$250 nor more than \$500 for the first offense; not less than \$400 nor more than \$700 for
32 the 2nd offense; and \$1,000 for the 3rd and each subsequent offense.