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4/14/2025

Senator Beebe-Center, Chair
Representative Hasenfus, Chair
Members, Joint Standing Committee on Criminal Justice and Public Safety
100 State House Station
Augusta, ME 04333-0100

Re: LD 1200 – *An Act to Prohibit the Sale of Items Intended to Be Used to Inhale Nitrous Oxide for Recreational Purposes*

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety, thank you for the opportunity to provide information in support of LD 1200, *An Act to Prohibit the Sale of Items Intended to Be Used to Inhale Nitrous Oxide for Recreational Purposes*.

This bill prohibits a person from intentionally or knowingly selling or distributing a device that contains nitrous oxide or is intended to be used to inhale nitrous oxide for recreational substance use purposes. The bill makes exceptions for dentists, dental hygienists, dental therapists, pharmacists, pharmacy interns, physicians and physician assistants who administer nitrous oxide in accordance with their scopes of practice. The bill outlines tiered enforcement penalties for violations that range from \$250- \$1,000.

On March 14, 2025, the Federal Drug Administration issued a warning about the dangers of inhaling nitrous oxide when used for recreational or non-food purposes. Nationally, there has been an uptick in reports of adverse health impacts mostly due to flavored nitrous oxide sold in colorful canisters in a variety of flavors like strawberry and tropical punch, under names like Galaxy Gas and HOTWHIP. The sale of these products are increasing at gas station convenience stores and smoke/vape shops as well as with online retailers. There is currently no federal age restriction for purchase, nor is there an age restriction in Maine. Despite warnings that these products are only meant to be used for cooking, where nitrous oxide is used as propellant in items such as whipped cream, these products have become popular on social media and can be purchased through sites like the Tik Tok Shop, Amazon, or Walmart for recreational use.

When inhaled in small amounts, the immediate effects of nitrous oxide—such as euphoria, dizziness, and giddiness—are temporary and usually only last a few minutes. It is common then for those using the nitrous oxide to repeatedly inhale to maintain the “high.” Frequent inhalation of nitrous oxide can lead to oxygen deprivation in the brain, which may cause headaches, dizziness, and even fainting. Prolonged use can also result in more serious side effects, such as long-term neurological damage, cardiovascular problems, and nerve damage due to vitamin B12 depletion in the body.

Data to assess the impact of use in Maine is limited. According to the 2023 Maine Integrated Youth Health Survey, 7.4% of high school students; 6% of 7th and 8th graders; and 5.6% of 5th and 6th graders have sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high at least once in their lifetime. Over the past five years (2020-2024), Northern New England Poison Center has managed 18 cases of exposures to nitrous oxide in Maine. Among the cases, substance use was the most common reason for exposure (11). There were two general unintentional cases and two cases where nitrous oxide was involved in a suicide attempt or other instance of self-harm. Five cases involved patients in their 30s and four involved patients 13-19 years old.

The bill does not distinguish between online and in-person sales or distribution; and while it may be challenging to regulate online retailers, LD 1200 is an opportunity to impact the accessibility at gas station convenience stores and smoke/vape shops where sales at these locations are less likely to be for culinary purposes and pose a greater risk to misuse. Some states have added age restrictions for purchase and several other states have recently passed legislation similar to what is proposed in LD 1200 or are considering it currently.

Because nitrous oxide products are gaining popularity due to promotion on social media and the proliferation of products containing flavors that appeal to youth, Maine CDC supports any actions to proactively make these dangerous products less accessible for recreational use. While nitrous oxide does have legitimate purposes in the healthcare and culinary sectors, there is no legitimate reason for these products to be sold at places like gas station convenience stores or smoke/vape shops. While it is challenging to get a complete picture of the scope of this issue in Maine, in reviewing the experience of other states and some European countries, it would be beneficial for Maine to get ahead of the problem and take action now to limit access to nitrous oxide products that are clearly being sold only for recreational purposes.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,



Puthiery Va, DO
Director
Maine Center for Disease Control and Prevention
Maine Department of Health and Human Services