Section 1 Header

2026 SESSION

26-2996.1
05/08

HOUSE BILL ***[bill number]***

AN ACT prohibiting the sale of nitrous oxide and certain inhalants for recreational purposes.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill prohibits the possession, use, or sale of certain inhalants and other chemical compounds for recreational purposes and establishes criminal penalties for violation.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

26-2996.1
05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT prohibiting the sale of nitrous oxide and certain inhalants for recreational purposes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Unlawful Sale of Inhalants. Amend RSA 644 by inserting after section 5-a the following new section:

644:5-b Unlawful Sale of Inhalants.

I. A person doing business within the state commits the crime of unlawful sale of inhalants if a reasonable, prudent person would believe that the products in subparagraphs I(a), I(b), and I(c) are being sold, offered for sale, otherwise transferred, or purchased for use in violation of RSA 644:5-a relative to "inhaling toxic vapors for effect," and does any of the following:

(a) Sells, offers for sale, or otherwise transfers any compound, liquid, gas, or chemical which contains butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, or any mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl nitrite, or tertiary butyl nitrite.

(b) Sells, offers for sale, or otherwise transfers any compound, liquid, gas, or chemical which contains nitrous oxide, commonly known as "laughing gas," or any amyl nitrite, commonly known as "poppers" or "snappers."

(c) Sells, offers for sale, or otherwise transfers any tube or other container which contains a liquid, gas, chemical, or compound listed in subparagraphs I(a) and I(b) that has the property of releasing toxic vapors or fumes.

II. A person doing business within the state, shall not sell including by delivery sale, offer for sale, give, furnish, or distribute to any consumer in this state, any compound, liquid, gas, or chemical in subparagraphs I(a), I(b), I(c), or willingly allow such substances to be taken from such business entity or corporation by any person, if a reasonable, prudent person would believe that the substances in subparagraphs I(a), I(b), and I(c) are being sold, offered for sale, otherwise transferred, or purchased for use in violation of RSA 644:5-a relative to "inhaling toxic vapors for effect."

III. Any person found in violation of this section shall be guilty of a class A misdemeanor.

IV. This section shall not apply to any of the following:

(a) The sale of flavored or unflavored, canned whipped cream.

(b) The sale or transfer of any compound, liquid, gas, or chemical which contains nitrous oxide:

(1) To, or by, a licensed hospital or other health care facility, or a licensed medical or dental practitioner, for the purposes of the lawful prescription, order, or administration to a patient.

(2) Intended for use by a manufacturer as part of a manufacturing process or industrial operation, by a person at least 21 years of age.

(3) As a propellant in food preparation for restaurant, food service, or houseware products, by a person at least 21 years of age.

(4) For automotive purposes, by a person at least 21 years of age.

V. The presence of additional flavoring in a substance or labeling on any part of a container of a substance, referring to the substance being flavored shall create a rebuttable presumption against the exceptions listed in paragraph IV. This shall include:

(a) Having the taste or smell of any food, including, but not limited to, any fruit, candy, dessert, alcoholic beverage, herb, or spice, that is distinguishable by an ordinary consumer either prior to or during consumption or use of the product;

(b) Any substance marketed as having the taste or smell of any food, including, but not limited to, any fruit, candy, dessert, alcoholic beverage, herb, or spice; or

(c) Products which the manufacturer, seller, or any person authorized by, or acting with the consent of, the manufacturer or seller, has made a public statement or claim, whether express or implied, that such product has the taste or smell of any food, including, but not limited to, any fruit, candy, dessert, alcoholic beverage, herb, or spice.

VI. For purposes of this section "delivery sale" means to sell, give, or furnish products by mail or delivery service, through the Internet or a computer network, by telephone, or through any other electronic method.

2 Effective Date. This act shall take effect January 1, 2027.