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Assemblymember McDonald and Senator Ryan Highlight Legislation to Combat Nitrous Oxide Misuse During National Substance Use & Misuse Prevention Month

ALBANY, N.Y. (Oct. 23) – October is recognized as National Substance Use and Misuse Prevention Month. Assemblymember John T. McDonald, RPh and Senator Chris Ryan introduced legislation earlier this year (A.10923-B/S.9567-B) to prohibit the retail sale of nitrous oxide, with exceptions for legitimate medical uses and food preparation. The risk and dangers of nitrous oxide misuse are far too great to continue allowing retail sales, especially when the growing misuse is correlated to accessibility. The nitrous oxide tanks available for non-commercial uses are large and in many cases scented. There is no legitimate culinary need for scented nitrous oxide, and no legitimate need for the general public to access tanks as large as those available. There are companies using tactics to target for misuse. The data shows that inhalant misuse is highest among children and teenagers, particularly those aged 12 to 17 (around 2.7% of the age group), with usage peaking sharply among younger teens aged 12 to 13.

The misuse of nitrous oxide continues to grow and leads to devastating consequences. Nitrous oxide misuse-related deaths have increased by more than 500% from 2010 to 2023. In the wake of dangerous trends such as “whippets” and other social media trends, misuse continues to grow. Nitrous oxide misuse is particularly dangerous because it can be hard to track since it is an odorless, colorless gas that leaves the system quickly. Because some of the immediate effects are shorter in duration, there is a misconception that longer-term harm is not occurring; however, brain and nerve damage does occur with regular use. Misuse causes severe neurologic, cardiovascular, and psychiatric signs and symptoms.

Road safety is a major issue with nitrous oxide misuse, and the collision numbers are likely underreported. Due to the speed with which nitrous oxide leaves the body, it makes impaired driving enforcement challenging. Drivers under the influence of nitrous oxide can experience hallucinations, paranoia, delusions, and psychosis and are substantially impaired. Even though the effect of feeling high might only last for seconds to minutes, a driver can actually be impaired for up to 30 minutes. Without reliable roadside detection models, nitrous oxide cognitive impairment is a danger to all road users who may encounter a driver under the influence.

Assemblymember McDonald and Senator Ryan will continue working to advance this legislation in the 2027 Legislative Session.

Senator Chris Ryan, said, “We have a responsibility to protect our children and communities from the dangers of nitrous oxide misuse. These products are too easily accessible, and the consequences can be life-altering, including permanent neurological damage or death. This legislation takes a commonsense approach by restricting access to products being misused while preserving their legitimate professional uses. I am very proud to sponsor this legislation in the State Senate and meaningful steps to prevent these tragedies before more families experience the devastating loss of a loved one.”

Assemblymember John T. McDonald III, RPh, said “ The deaths of Nima, Zachary, and countless others from nitrous oxide substance use disorders are terrible tragedies, and we do not want to see another person lose their life due to nitrous oxide misuse. I thank my colleague, Senator Chris Ryan, for working with me on this legislation. I appreciate Assemblymember Keith Brown, who created the starting point for this bill with his version of the legislation. Thank you to Assemblymember Matt Simpson for his partnership on this issue, and most of all, thank you to Haleh, Kate, and the advocates who have been personally impacted and are leading the charge to ensure that no one else has to suffer the same devastating losses that they have had to face.”

Assemblymember Keith Brown said, “This legislation began as a bill I introduced after seeing the very real dangers associated with the misuse of nitrous oxide, particularly among young people. I was proud to work with Assemblyman John McDonald to move this issue forward and build broader support for meaningful action. Nima’s Law is about preventing another family from experiencing an unimaginable loss, getting these dangerous products out of the wrong hands, and making sure New Yorkers understand the potentially deadly consequences of nitrous oxide abuse. I’m grateful that lawmakers from both sides of the aisle recognized the importance of this issue and came together around a solution that can save lives.”

Assemblymember Matthew Simpson said, “The growing misuse of nitrous oxide is a serious public health and safety concern, and behind every tragedy are families and loved ones left to cope with unimaginable loss. No family should have to endure that kind of heartbreak when meaningful steps can be taken to prevent it. I’m proud to stand with Assemblymember McDonald, Assemblymember Brown, and other fellow colleagues from the legislature on this common-sense legislation to restrict retail sale for dangerous

unintended use, protect our communities and help prevent other families from experiencing the same pain.”

Haleh Brown, mother of Nima Pazooki said, “Nima was doing everything he could to recover. We were doing everything we could to help him. The danger of nitrous oxide was hidden in plain sight, and we did not understand it until it was too late. I am speaking today so that no other family has to experience the blindsiding loss that ours did. Nima’s story must become a reason for greater awareness, stronger safeguards, and lives saved.”

Kate Boyle, mother of Zachary Ignazio said, “We regulate products because availability and perceived safety matter. When nitrous oxide is sold openly in retail stores, people may assume it is safe to use recreationally. I have seen these products labeled “for culinary use only,” sometimes with added scents and flavors, while also carrying the warning “not for inhalation.” These products are intended for culinary purposes, not recreational inhalation. Inhaling nitrous oxide and other substances in these products can pose potentially serious and sometimes deadly risks. We require seatbelts in cars, and we regulate the sale of alcohol and tobacco because protecting public safety matters. Nitrous oxide should be no exception.”

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