



**An Bille um Dhíol Ocsaíde Nítriúla agus Táirgí
Gaolmhara, 2025**
Sale of Nitrous Oxide and Related Products Bill 2025

Meabhrán Miniúcháin
Explanatory Memorandum



**AN BILLE UM DHÍOL OCSAÍDE NÍTRIÚLA AGUS TÁIRGÍ
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**SALE OF NITROUS OXIDE AND RELATED PRODUCTS BILL
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EXPLANATORY MEMORANDUM

Purpose of the Bill

To regulate the sale of nitrous oxide products to commercial and medical use only; to enable members of an Garda Síochána to seize nitrous oxide products from those without appropriate licences.

Background

There are concerns about the increase in young people misusing Nitrous Oxide.

A recent report published by the HSE on their Adolescent Addiction Service has shown that 22% of young people attending their adolescent service admitted to taking Nitrous Oxide on occasion reflecting an increase of 175% compared to 2021.

Sale of Nitrous Oxide and Related Products Bill 2025 will regulate the sale of Nitrous Oxide to commercial use only.

In December 2022 a neurology specialist at the Mater Hospital warned of an increase in the number of patients suffering severe nerve damage after inhaling nitrous oxide gas.

This bill will not criminalise young people for simple possession of nitrous oxide, however it would give the gardaí the power to seize the cannisters.

To regulate the sale of nitrous oxide products for commercial and medical use only; to enable members of an Garda Síochána to seize nitrous oxide products from those without appropriate licences and to not criminalise those misusing nitrous oxide recreationally.

Provisions of the Bill

Section 1 is a standard form provision and provides definitions for the words or terms used in the Bill.

Section 2 prohibits the sale of nitrous oxide by any person other than by licenced wholesalers or registered retailers. Any person selling nitrous who does not hold a wholesale licence or is not registered to sell nitrous oxide as a retailer commits an offence.

Section 3 sets out the exempted purchasers of nitrous oxide and limits sale of nitrous oxide to such purchasers by a licensed wholesaler or registered retailer. If a wholesaler or retailer sells to any person other than an exempt purchaser, then that wholesaler or retailer commits an offence.

Section 4 provides for the remote sale of nitrous oxide or nitrous oxide products.

Section 5 makes it an offence for any person to sell (including online sale) containers of nitrous oxide or nitrous oxide products to a child (a person under the age of 18 years) which may be used by that child or another child for the purposes of causing intoxication. It also gives a Garda the power to seize any nitrous oxide or nitrous oxide product container in the possession of a child in any public place which the Garda has reasonable cause to believe is being misused by that child in a manner likely to cause intoxication.

Section 6 gives a Garda power to seize any nitrous oxide container in the possession of a person in any public place which the Garda has reasonable cause to believe is being misused by that person in a manner likely to cause intoxication.

Section 7 provides for the establishment of a Register of licenced wholesalers of nitrous oxide to be maintained by the Minister and further provides for the application for a licence by the nitrous oxide wholesalers in the prescribed form and prescribed manner.

Section 8 provides for the revocation, suspension, or conditions that may be imposed on a licence by the Minister.

Section 9 provides for the establishment of a Register of Retailers of Nitrous Oxide to be maintained by the Minister and further provides for the application for registration by a nitrous oxide retailer to be in the prescribed form and prescribed manner.

Section 10 provides that the Minister may by order designate one or more than one public body as a licencing and registration authority, either generally or in respect of any class or classes of wholesalers and retailers.

Section 11 provides for the specific circumstances that a search of a premises or vehicle may be permitted. provides for the specific circumstances that a search warrant may be issued where the premises concerned is a dwelling.

Section 12 provides for the disposal of things seized by a member of the Garda Síochána for the purposes of enforcing the section.

Section 13 provides for the making of regulations by the Minister in relation to any matter referred to as prescribed or to be prescribed. Subsection (3) provides for the standard form provision for laying any such regulations before both Houses of the Oireachtas.

Section 14 sets out the proposed penalties for offences under the Bill. Penalties are on an escalating basis where harsher penalties may apply for repeat offences.

Section 15 is a standard form provision and provides for the short title and commencement.

*Deputies Mark Ward and Seán Crowe,
Aibreán, 2025.*