STATE OF NEW YORK

10923--B

IN ASSEMBLY

April 9, 2026

Introduced by M. of A. McDONALD, K. BROWN, SIMPSON, STECK, SCHIAVONI, COLTON, SAYEGH, HEVESI, WOERNER, BEEPHAN, NOVAKHOV, LEMONDES -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law and the public health law, in relation to prohibiting the retail sale of nitrous oxide and establishing civil penalties for violations; to amend the public health law, in relation to the health care and wellness education and outreach program; and to amend the general business law, in relation to the sale of whipped cream chargers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as "Nima's law".

§ 2. Subdivisions 2, 3 and 4 of section 834 of the general business law, as added by chapter 515 of the laws of 2021, are amended to read as follows:

2. No person, corporation, partnership, limited liability company, firm or any other business entity doing business within this state shall sell or offer for sale a whipped cream charger [~~to any person under the age of twenty-one~~].

3. [~~Any person, corporation, partnership, limited liability company, firm, or other business entity doing business within the state selling, offering for sale, or distributing whipped cream chargers shall require proof of legal age prior to allowing an individual to purchase or receive a shipment of whipped cream chargers. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale or distribution of whipped cream chargers to an individual under twenty-one years of age.~~

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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~~4.~~] Any person, corporation, partnership, limited liability company, firm or any other business entity that violates the provisions of this section shall be subject to a civil penalty of not more than two hundred fifty dollars for an initial offense and not more than five hundred dollars for the second and each subsequent offense.

§ 3. The general business law is amended by adding a new article 38-C to read as follows:

ARTICLE 38-C
NITROUS OXIDE

Section 840. Definitions.
841. Restrictions on sale.
842. Enforcement.

§ 840. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Acceptable Sale" for the purposes of this article shall mean the sale of nitrous oxide authorized to be sold under an exception established in subdivision five of section thirty-three hundred eighty of the public health law.

2. "Nitrous oxide" for the purposes of this article means nitrous oxide but shall not include food products containing nitrous oxide provided such products comply with the provisions of section sixteen-a of the agriculture and markets law.

3. "Retail sale" or "at retail" means a sale to a consumer or to any person for any purpose other than for resale. For the purposes of this section, the term "retail sale" shall not include an acceptable sale of nitrous oxide.

§ 841. Restrictions on sale. 1. No person, corporation, partnership, limited liability company, firm, or any other business entity doing business within this state shall sell or offer for sale nitrous oxide at retail to the public unless the sale would be deemed an acceptable sale.

2. Notwithstanding any other penalty prescribed, any person, corporation, partnership, limited liability company, firm, or any other business entity that violates the provisions of this section shall be subject to a civil penalty of not more than five hundred dollars for an initial offense and not more than one thousand dollars for the second and each subsequent offense.

§ 842. Enforcement. The provisions of this section shall be enforced concurrently by the director or commissioner of a municipal consumer affairs office, or by the town attorney, city corporation counsel, or other lawful designee of a municipal or local government, and all moneys collected thereunder shall be retained by such municipality or local government.

§ 4. Subdivision 1 of section 207 of the public health law is amended by adding a new paragraph (t) to read as follows:

(t) The dangers associated with the misuse of nitrous oxide, including, but not limited to, vitamin B-12 deficiency, impaired motor function, psychiatric disturbances, loss of consciousness, asphyxiation, and death. The commissioner shall consult with the commissioner of the office of addiction services and supports when developing education and outreach programs under this provision.

§ 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judge-

ment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law.