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HOUSE JOINT RESOLUTION NO. 7

Offered January 12, 2022

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Directing the Virginia State Crime Commission to study whether the sale of nitrous oxide should be specifically prohibited by a retailer of tobacco or tobacco-related products. Report.

 Patron—McGuire

Committee Referral Pending

WHEREAS, nitrous oxide is a colorless, nonflammable gas often used in medical and dental procedures as an anaesthetic and analgesic and as an aerosol spray propellant in food items such as aerosol whipped cream canisters and cooking sprays; and

WHEREAS, nitrous oxide is also used as a recreational drug by some individuals to feel intoxicated or high; and

WHEREAS, nitrous oxide is classified as a dissociative anaesthetic and has been found to produce dissociation of the mind from the body, distorted perceptions, and, in some cases, visual hallucinations; and

WHEREAS, when used as a recreational drug, nitrous oxide is inhaled, typically by discharging nitrous gas cartridges, also known as bulbs or whippets, into another object or directly into the mouth, to produce a rapid rush of euphoria and feeling of floating or excitement for a short period of time; and

WHEREAS, if a large amount of nitrous oxide is inhaled, it can produce loss of blood pressure, fainting, unconsciousness, or heart attack, and inhaling nitrous oxide can be fatal if the person does not get enough oxygen; and

WHEREAS, in a 2015 published study, it was found that nitrous oxide drastically slowed down brain wave oscillations, potentially enough to have an impact on basic respiratory functions if used without proper medical supervision; and

WHEREAS, in 2018, the *Journal of Neurology* said nitrous oxide "abuse is rapidly rising" in the United States; from 2019 to 2020, there was a 42 percent increase in drug-related deaths, and during the first half of 2021 compared with the corresponding period in 2020, there was a 22 percent increase in drug-related deaths, indicating that there may also be an uptick in individuals abusing nitrous oxide during the stress and isolation of the COVID-19 pandemic; and

WHEREAS, nitrous oxide is classified as a Schedule VI controlled substance in Virginia and while a dentist shall only prescribe, dispense, or administer nitrous oxide in good faith for medicinal or therapeutic purposes within the scope of his professional practice and a dental hygienist may only administer Schedule VI nitrous oxide under the direction of a dentist, individuals abusing nitrous oxide as a recreational drug have easy access to nitrous oxide being sold at retail smoke and tobacco shops; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study whether the sale of nitrous oxide should be specifically prohibited by a retailer of tobacco or tobacco-related products. In conducting its study, the Virginia State Crime Commission shall analyze the most prevalent ways individuals are purchasing nitrous oxide in Virginia for recreational use, whether a retailer of tobacco or tobacco-related products is currently legally permitted to sell nitrous oxide, whether or not such nitrous oxide is labeled as not to be inhaled, and whether other states have taken steps to specifically prohibit retailers of tobacco or tobacco-related products from selling nitrous oxide.

All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2022, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2023 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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