

24: 6G-1 to 24: 6G-6

LEGISLATIVE HISTORY CHECKLIST

(Nitrous oxide- regulates sale and possession)

NJSA 24:6G-1 to 24:6G-6

LAWS 1982

CHAPTER 127

Bill No. A551

Sponsor(s) Villane and others

Date Introduced Pre-filed

Committee: Assembly Human Services

Senate Institutions, Health and Welfare

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 3, 1982

Senate June 28, 1982

Date of approval September 3, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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LEGISLATIVE HISTORY

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ASSEMBLY, No. 551

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen VILLANE, EDWARDS, GORMLEY
and Assemblywoman MUHLER

AN ACT regulating the sale and possession of nitrous oxide, and
supplementing Subtitle 1 of Title 24 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. It shall be unlawful for any person or persons, except a duly
2 licensed physician, dentist, veterinarian, nurse, hospital, sanitarium
3 or other medical institution, or a resident physician or intern of a
4 hospital, sanitarium or other medical institution, to have under
5 control or possess nitrous oxide in any form unless ***[such possession**
6 **is obtained upon a written prescription from an anesthesiologist,**
7 **except that any person may have under his control or possess**
8 **nitrous oxide, if obtained upon a written permit issued by the**
9 **Department of Health for manufacturing purposes if it is to be**
10 **incorporated in a product in such a manner that it will be rendered**
11 **inaccessible for self-inhalation, or for use in laboratory research**
12 **under conditions approved by the Department of Health]*** *the*
13 *person obtains a written permit issued by the Department of*
14 *Health; except that no person under 19 years of age shall have*
15 *under his control or possess nitrous oxide*.*

1 2. ***[No person, other than a person registered pursuant to P. L.**
2 **1961, c. 52 (C. 24:6B-1 et seq.), shall distribute or dispense to any**
3 **person or persons other than a duly licensed physician, dentist,**
4 **veterinarian, nurse, hospital, sanitarium or other medical institu-**
5 **tion, or a resident physician or intern of a hospital, sanitarium or**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted June 3, 1982.**

6 other medical institution nitrous oxide in any form without a written
 7 prescription of an anesthesiologist or, in the case of a person requir-
 8 ing nitrous oxide for manufacturing or research purposes, without
 9 a written permit issued by the State Department of Health. A
 10 prescription shall conform to the requirements of R. S. 45:14-14
 11 and any rules prescribed by the Commissioner of Health and a per-
 12 mit shall contain the name, address, and other location or locations
 13 of the person requesting a permit, including a xerox copy of the
 14 current permanent license number of the registrant distributor of
 15 nitrous oxide licensed pursuant to P. L. 1961, c. 52 (C. 24:6B-1
 16 et seq.).**】*** *When nitrous oxide is sold for nonmedical use, both the
 17 seller and buyer shall obtain a written permit issued by the Depart-
 18 ment of Health; except that if the seller is registered with the
 19 Department of Health as a distributor or wholesaler of nitrous
 20 oxide, the seller does not have to obtain a permit. A permit shall
 21 contain the name, address and other location of the person who
 22 requests the permit and a registration number assigned by the
 23 Department of Health. The buyer shall state the intended use of
 24 the nitrous oxide on the permit.*

25 *Notwithstanding the provisions of sections 1 and 2 of this act,
 26 no person shall sell, distribute or dispense nitrous oxide to any
 27 person under 19 years of age.**

1 3. ***[a.]*** Every person who sells or furnishes nitrous oxide
 2 ***[upon the written prescription of an anesthesiologist shall record
 3 upon the face of the prescription, over his signature, the date of the
 4 sale or furnishing of the nitrous oxide. This prescription shall be
 5 retained on file for a period of 2 years and shall be opened to
 6 inspection by any public officer or employee engaged in the enforce-
 7 ment of this section.**

8 b. Every drug manufacturing or wholesale drug business which
 9 sells or furnishes nitrous oxide upon a written permit of the
 10 Department of Health shall record upon the face of the permit,
 11 over the signature of the individual in charge of said business, the
 12 date of the sale or furnishing of the nitrous oxide. This permit
 13 shall be retained on file for a period of 2 years and**】*** *shall retain
 14 a record of the sale for a period of 2 years. The record of the sale
 15 shall contain the name and address of the buyer, number of the
 16 buyer's permit, date of sale and amount of nitrous oxide purchased.
 17 Records** shall be opened to inspection by any public officer or
 18 employee engaged in the enforcement of this section.

1 4. The Commissioner of Health is authorized to issue permits for
 2 the acquisition of nitrous oxide for the purposes enumerated in
 3 section 1 of this act.

1 5. The Commissioner of Health shall administer and enforce the
2 provisions of this act and shall issue all rules necessary to effectuate
3 the purposes of this act.

1 6. The penalties for violating any provisions of this act shall be
2 as provided in chapter 17 of Title 24 of the Revised Statutes. Such
3 penalties shall be recovered and enforced in the same manner and
4 in accordance with the procedure detailed in chapter 17 of Title 24
5 of the Revised Statutes. In addition, any person violating the
6 provisions of this act ~~*[shall]*~~ **may** be sentenced to imprison-
7 ment for a definite term which shall be fixed by the court and shall
8 not exceed 6 months.

1 7. This act shall take effect immediately.

15 nitrous oxide licensed pursuant to P. L. 1961, c. 52 (C. 24:6B-1
16 et seq.).

1 3. a. Every person who sells or furnishes nitrous oxide upon the
2 written prescription of an anesthesiologist shall record upon the
3 face of the prescription, over his signature, the date of the sale or
4 furnishing of the nitrous oxide. This prescription shall be retained
5 on file for a period of 2 years and shall be opened to inspection by
6 any public officer or employee engaged in the enforcement of this
7 section.

8 b. Every drug manufacturing or wholesale drug business which
9 sells or furnishes nitrous oxide upon a written permit of the
10 Department of Health shall record upon the face of the permit,
11 over the signature of the individual in charge of said business, the
12 date of the sale or furnishing of the nitrous oxide. This permit
13 shall be retained on file for a period of 2 years and shall be opened
14 to inspection by any public officer or employee engaged in the
15 enforcement of this section.

1 4. The Commissioner of Health is authorized to issue permits for
2 the acquisition of nitrous oxide for the purposes enumerated in
3 section 1 of this act.

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3 penalties shall be recovered and enforced in the same manner and
4 in accordance with the procedure detailed in chapter 17 of Title 24
5 of the Revised Statutes. In addition, any person violating the
6 provisions of this act shall be sentenced to imprisonment for a
7 definite term which shall be fixed by the court and shall not exceed
8 6 months.

1 7. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to make it illegal to obtain or possess nitrous oxide without a prescription, except for certain medical personnel or institutions, or a permit to be issued by the Commissioner of Health. A permit could only be issued to persons requiring nitrous oxide for manufacturing purposes if it is to be incorporated in a product in such a manner that it will be rendered inaccessible for self-inhalation, or for use in laboratory research under conditions approved by the Department of Health. The need

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for strict controls of nitrous oxide, which is a drug, and severe penalties, is necessary to prevent its abuse. Violators will be subject to a fine and imprisonment, as provided in the bill.

This bill makes it illegal to obtain or possess nitrous oxide without a prescription, except for certain medical personnel or institutions. Possession of this drug for manufacturing or research purposes is also allowed if a permit is obtained from the Department of Health.

The bill mandates that persons or manufacturers who sell or furnish nitrous oxide record the date of sale or furnishing. The seller must keep the prescription or permit to sell on file for 2 years.

The committee agreed with the purpose of this legislation and released the bill without amendment.

HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 551

STATE OF NEW JERSEY

DATED: MARCH 11, 1982

This bill requires that persons other than certain medical personnel must have a prescription from an anesthesiologist or a permit issued by the Commissioner of Health in order to obtain or possess nitrous oxide. The permit issued by the Department of Health shall allow use of the drug only for laboratory research and manufacturing purposes.

The penalties for violations of the provisions of this bill are the same as those provided in Chapter 17 of Title 24 (Food and Drugs) of the Revised Statutes (\$50.00 for the first offense, \$100.00 for the second offense and \$200.00 for every subsequent offense) plus imprisonment for a definite term, not to exceed 6 months.

The bill further mandates that persons or manufacturers who sell or furnish nitrous oxide record the date of sale. The seller must keep the prescription or permit to sell on file for 2 years.

The committee agrees with the purpose of this legislation and released the bill without amendment.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 551
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 3, 1982

This bill regulates the sale of nitrous oxide (laughing gas). As amended by committee, the bill requires any person who buys or sells nitrous oxide for nonmedical use to obtain a permit from the Department of Health. The permit shall contain the name, address and registration number (provided by the department) of the person buying or selling the gas. The bill also provides that the buyer include on the permit—the intended use of the gas and exempts from the requirement of obtaining a permit any distributor or wholesaler who is already registered with the department. The bill prohibits the possession and sale of the gas to any person under 19 years of age.

The penalties for violations of the act are those provided in subtitle 1 of Title 24, Food and Drugs (\$50.00 for each first offense, \$100.00 for each second offense and \$200.00 for each subsequent offense). Also, a person who violates any provisions of the act may be sentenced to imprisonment for a definite term, not to exceed 6 months.

OFFICE OF THE GOVERNOR

RELEASE IMMEDIATELY

CONTACT: CARL GOLDEN

FRIDAY, SEPTEMBER 3, 1982

Governor Thomas H. Kean has signed legislation to regulate the sale and possession of nitrous oxide (laughing gas).

The bill, A-551, was sponsored by Assemblyman Anthony M. Villane, (R-Monmouth), and prohibits the possession of nitrous oxide by anyone other than medical personnel.

It provides, further, that when the gas is sold for non-medical use, both the seller and the buyer must obtain a written permit from the State Department of Health. It also prohibits the sale to or possession by anyone under the age of 19 years.

Violations are punishable by a \$50 fine for the first offense; \$100 for a second offense, and \$200 for a third and each subsequent offense. In addition, the court may impose a prison sentence of up to six months.

Villane, a dentist who uses nitrous oxide in his practice, said the substance has been abused and individuals have died from inhaling the gas.

"Controls over its sale and possession are necessary to put an end to what has become a growing drug abuse problem," Villane said.

Kean also signed A-1000, sponsored by Assembly Speaker Alan Karcher, (D-Middlesex), which exempts physicians and dentists with the title of intern, resident or fellow at the University of Medicine and Dentistry from the requirement for participation in the Public Employees' Retirement System.

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