



NEW YORK STATE SENATOR

Joseph P. Addabbo Jr.

Addabbo hopes confusion over new law will shine light on the important issue of the dangers of inhaling nitrous oxide

SENATOR JOSEPH P. ADDABBO, JR. August 31, 2022

| ISSUE: **WHIPPITS, WHIPPETS, WHIPPED CREAM, NITROUS OXIDE, ADDABBO**

After the confusion over his bill (S.2819A) that became law in November 2021, State Senator Joseph P. Addabbo, Jr. is clarifying exactly what this law means and what products it affects.

According to the Attorney General of New York's office, despite recent news reports to the contrary, any person can purchase canisters of whipped cream, even if they are under the age of 21. The law states that it is the nitrous oxide (N₂O) chargers or small cartridges sold separately, used more with industrial whipped cream dispensers that are prohibited from being sold to minors.

Addabbo was in touch with the Attorney General's office, who confirmed that the language of the bill indicates that it is the N₂O chargers that are subject to proof of ID, and that residents under the age of 21 will still be able to purchase cans of whipped cream at local stores and business owners will not be subject to any fines for selling whipped cream.

According to the Senator, it was his opinion that individuals and store owners being unaware that the N₂O cartridges could be bought separately at some local convenience stores by minors to be used improperly is what led to the confusion and misinterpretation of the law.

“The sale of whipped cream is not banned to a minor because of this law,” Addabbo explained. “The target of the law was never intended to be whipped cream you can purchase at your local market. The language of the bill specifically mentions the sale of the chargers or cartridges that contain the nitrous oxide which are solely affected by this law. These cartridges cannot be extracted from a traditional canister of whipped cream with the full amount of nitrous oxide. After speaking with the Attorney General’s office I was able to ensure that fines wouldn’t be doled out to any store owners for selling whipped cream to anyone.”

The two-inch steel chargers, sometimes in a neon green or pink color cartridge as they are marketed to a younger population, are often called “whippits” and when the N₂O inside is inhaled it can cause a euphoric effect that people use to get high. N₂O is commonly known as ‘laughing gas’ and dental professionals use the chemical during oral procedures to relieve pain, but it is highly addictive and has detrimental effects if used improperly.

Inhaling whippits can lead to seizures, comas, severe frostbite, and sudden sniffing death syndrome. N₂O abuse is also associated with brain damage, nervous system disorders, and damage to the lungs, heart, kidney and liver. The 2016 National Survey on Drug Use and Health found that an estimated 9.1 percent of Americans have tried inhalants, and that about 11.8 million of the survey participants reported past misuse of nitrous oxide or whippits.

“While the confusion surrounding this bill has led to many residents falsely believing that whipped cream is now banned for anyone under 21, it has again brought to light the serious issue of kids using whippits to get high, as well as getting rid of the hundreds of discarded whippits cartridges littering our local streets,” Addabbo said. “National surveys indicate that almost 21.7 million Americans aged 12 and older have improperly used inhalants at least once in their lives. In the National Institute on Drug Abuse’s (NIDA) Monitoring the Future

survey, it shows that 13.1 percent of eighth graders have used inhalants. Additionally, since this law went into effect there have been less sightings of the discarded whippit chargers in the streets in my district. It is our hope that this law will prevent whippits from getting into the hands of young residents to protect them from the dangerous effects when abusing this substance.”

Addabbo stated that he was pleased that since his bill became law last year his office has received no calls or emails from constituents about the empty N2O cartridges in the street as in the past. “The origin of the bill started with a complaint from a constituent about the cartridges littering her corner and the group of younger residents getting the dangerous quick high from the nitrous oxide,” Addabbo concluded. “That is how good government should work. A resident complains to their elected official and action is taken. I am optimistic that with the correct implementation of my bill, we can further improve the health and safety of our younger residents and clean up our streets from the N2O cartridges.”

RELATED LEGISLATION

2021-S2819A

-
- Introduced
 - - In Committee Assembly
 - In Committee Senate

- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Prohibits the sale of whipped cream chargers to persons under the age of twenty-one

January 25, 2021

Delivered to Governor

Sponsored by **Joseph P. Addabbo Jr.**

Do you support this bill?