



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

6 of the year 20 26

Local Law Title:

A LOCAL LAW TO PROHIBIT THE SALE OF NITROUS OXIDE WHIPPED CREAM
CHARGERS UN NASSAU COUNTY EXCEPT TO BUSINESSES WITH APPROPRIATE
FOOD SALE PERMITS OR LICENSES.

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one)

of NASSAU as follows on the attached pages:
(Name of Local Government)

For Office Use Only

FILED
STATE RECORDS

MAY 14 2026

DEPARTMENT OF STATE

Department of State Local Law Index Number: 6 of the year 20 26

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number 6 of 20 25 of the (County)(City)(Town)(Village) of NASSAU was duly passed by the LEGISLATURE on MARCH 23 20 26 and was (approved)(not approved)(repassed after disapproval) by the COUNTY EXECUTIVE on APRIL 8 20 26 in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 2 above.


MICHAEL C. PULITZER

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

MAY 12, 2026

(Date)

(Seal)



Introduced by: Legislator Rose Marie Walker

Co-Sponsored by: Presiding Officer Howard J. Kopel, Deputy Presiding Officer Thomas McKeivitt, Alternate Deputy Presiding Officer Michael Giangregorio, and Legislators Patrick Mullaney, John J. Giuffre, Scott Strauss, Mazi Melesa Pilip, Kayla Knight, Samantha Goetz, and James Kennedy

LOCAL LAW NO. 6 - 2026

A LOCAL LAW TO PROHIBIT THE SALE OF NITROUS OXIDE WHIPPED CREAM CHARGERS IN NASSAU COUNTY EXCEPT TO BUSINESSES WITH APPROPRIATE FOOD SALE PERMITS OR LICENSES

APPROVED AS TO FORM

Majority Counsel

Passed by Nassau County Legislature on
3/23/26 A voice vote was taken with 18
Legislators present.

Voting: aye 18, nay 0, abstained 0, recused 0

Became a Local Law 4/8/26

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Short Title. This law shall be known as the "Nitrous Oxide Consumer Protection Act" and shall appear in the Miscellaneous Laws of Nassau County as Title 94.

§2. Legislative Intent. The Nassau County Legislature finds that whipped cream chargers, which contain nitrous oxide gas, are often misused for recreational inhalation that pose significant health risks including abnormal blood counts, asphyxiation, blood clots, frostbite, headache, impaired bowel and bladder function, lightheadedness, limb weakness, loss of consciousness, numbness, palpitations, paralysis, psychiatric disturbances (delusions, hallucinations, paranoia, depression), tingling, trouble walking, vitamin B12 deficiency, neurological damage including spinal cord and brain damage, and in some cases, death. While state law already regulates certain aspects of their sale, additional local restrictions are necessary to prevent unauthorized access and misuse. This local law aims to limit the sale of nitrous oxide containers to legitimate food-related businesses that hold permits under relevant New York State laws, thereby limiting the likelihood of abuse.

§3. Definitions. Unless otherwise expressly stated in this Local Law, the following terms shall be defined as:

- a. "Nitrous Oxide Container" shall mean a cylinder or cartridge filled with nitrous oxide (N₂O) that is used as a whipping agent in a whipped cream dispenser. This definition shall not apply to nitrous oxide that has been premixed with a dairy product or a dairy-like product for the purpose of making a whipped topping or pre-pressurized whipped cream dispensers where the nitrous oxide charger is fully incorporated into the product's sealed design, such as single-use cans intended for direct dispensing of whipped cream, and where the charger cannot be accessed, removed, or repurposed for non-culinary uses without destroying the product.
- b. "Person" shall mean any individual, company, partnership, corporation, limited partnership, joint venture or other legal entity.
- c. "Food Sale Permit" shall mean a valid permit or license issued pursuant to: (i) The New York State Sanitary Code (10 NYCRR Part 14) or other provisions of the New York State Public Health Law authorizing the operation of a food service establishment or the sale of food; or (ii) The New York State Agriculture and Markets Law, including but not limited to Article 20-C (Licensing of Food Processing Establishments) or Article 28 (Retail Food Stores), or (iii) the Nassau County Public Health Ordinance.

§4. Prohibitions.

- a. No Person shall sell or offer for sale any Nitrous Oxide Container to any Person unless the Person possesses a current and valid Food Sale Permit as defined in Section 3(c) of this local law.
- b. Prior to any sale, the seller shall verify that the purchaser holds a valid Food Sale Permit by inspecting a copy of such permit or obtaining written certification from the purchaser attesting to the permit's validity, including the permit number, issuing authority, and expiration date. The Person selling Nitrous Oxide Containers shall maintain records of such verifications for a period of at least two years, which shall be made available for inspection by the Nassau County Department of Health, the Nassau County Department of Consumer Affairs, the Nassau County Police Department or other authorized enforcement officials upon request.
- c. This section shall not apply to sales between manufacturers, distributors, or wholesalers of whipped cream chargers where both parties are licensed under applicable state or federal laws for such activities, provided that the end Purchaser complies with subsection (a).

§5. Enforcement and Penalties.

- 1. This law shall be enforced by the Nassau County Department of Health, the Nassau County Department of Consumer Affairs, and the Nassau County Police Department or other authorized enforcement officials.

2. Any Person that violates section 4 of this title shall be guilty of a misdemeanor punishable by a fine of not more than one thousand (\$1,000.00) dollars or imprisonment of not more than one year, or both.

a. An additional fine of one thousand five hundred (\$1,500.00) dollars may be added for each subsequent violation of section 4.

3. Any Person that violates section 4 of this title by selling, offering for sale or otherwise distributing any Nitrous Oxide Container to a Minor shall be guilty of a misdemeanor punishable by a fine of not more than one-thousand five hundred (\$1,500.00) dollars or imprisonment of not more than one year, or both.

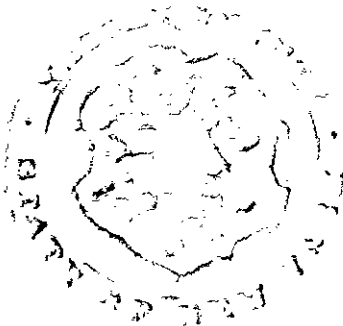
a. An additional fine of two thousand five hundred (\$2,500.00) dollars may be added for each subsequent violation of section 4.

4. In addition to fines, the County may seek injunctive relief to prevent continued violations, and repeated violations may result in the suspension or revocation of any county-issued business licenses or permits held by the violator.

§6. Severability. If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment 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 of this law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

§7. SEQRA Determination. It is hereby determined by the Nassau County Legislature, the lead agency, and pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Nassau County, that this Local Law will not have a significant impact on the environment and that no further environmental review or action is required.

§8. Effective Date. This law shall take effect immediately after becoming a law.



APPROVED

County Executive

Date

4/8/26

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