

BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES

FROM: PATRICK J. ROLLINS, CHIEF OF POLICE,
SCOTT KOEPPPEL, VILLAGE ADMINISTRATOR

SUBJECT: DISCUSSION: SALE OF NITROUS OXIDE IN THE COMMUNITY

AGENDA: 9/16/2025

DATE: 8/12/2025

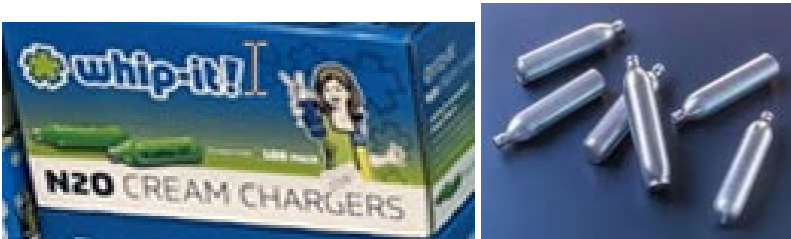
ISSUE

Should the Village Board consider discussing the sale of nitrous oxide by businesses that impact the health and well-being of minors and adults who misuse it, despite its intended use for medical procedures or culinary purposes.

DISCUSSION

Nitrous oxide (N₂O), also known as laughing gas, has been used in medicine to relieve pain, provide anesthesia, and induce sedation during specific procedures. It is also used to dispense whipped cream for culinary purposes. However, this substance has been used recreationally for decades for self-medicating, temporary voice-changing effects, and recreational frolics, often leading to safety and health concerns due to the impact of inhaling the product.

Many communities in Illinois and around the world face issues with businesses selling or delivering nitrous oxide products to homes through online vendors for purposes other than their intended use. Decades ago, whip-its were a popular trend that police officers often encountered. These small metal containers were frequently found in parks, backyards, and parking lots, scattered around.



(illustrative purposes only)

Today's version of Nitrous Oxide being sold has become significantly more potent compared to what officers handled over 30 years ago. The newer versions are now specifically packaged and designed to appeal to all age groups. Prices range from a few dollars to over \$100, depending on the quantity of gas and novelty.



Whip-It! The Original Premium N2O - Nitrous Oxide - Pure Culinary Gas 350g Cylinder/Tank Cream Charger- Pure Food-Grade Culinary Gas with...

★★★★★ 1

\$23⁶⁴

FREE delivery Wed, Aug 20



Whipped Cream Charger (2000g) - Premium Nitrous Oxide Tank for Whip Cream - Food Grade N2O Charger (2)

\$159⁹⁹

Save 20% on 1 when you buy 2

FREE delivery Aug 20 - 21

Or fastest delivery Aug 15 - 20



ICO 10pcs Nitrogen Cartridges N2 Cartridges for Coffee Beer Cold Brew Nitro Non-threaded Nitrogen Chargers 2g Chargers

★★★★★ 1,022

500+ bought in past month

\$14⁰⁶ (\$1.41/count)

FREE delivery Sun, Aug 17 or \$35 off item



Boosted Premium Whipped Cream Charger 640g 1.1L - Food Grade Nitrous Oxide Tank Pure Flavored N2O Chargers - for Any Standard...

★★★★★ 17

\$30⁰⁰

FREE delivery Mon, Aug 18

(illustrative purposes only)

Some of these product styles are sold locally here in Sugar Grove and can also be ordered for home delivery through online sellers. There are no age restrictions or a need to pre-acknowledge their use when purchasing these products.

The Illinois State Legislature has regulated Nitrous Oxide, with the latest amendments to this section of State Law taking effect in January 2000.

CRIMINAL OFFENSES

(720 ILCS 5/) Criminal Code of 2012.

(720 ILCS 5/24.5-5)

Sec. 24.5-5. Unlawful possession. Any person who possesses nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or who knowingly and with the intent to do so is under the influence of nitrous oxide or any material containing nitrous oxide is guilty of a Class A misdemeanor. A person who commits a second or subsequent violation of this Section is guilty of a Class 4 felony. This Section shall not apply to any person who is under the influence of nitrous oxide or any material containing nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care by a person duly licensed to administer such an agent.

(Source: P.A. 91-366, eff. 1-1-00.)

(720 ILCS 5/24.5-10)

Sec. 24.5-10. Unlawful manufacture or delivery. Any person, firm, corporation, co-partnership, limited liability company, or association that intentionally manufactures, delivers, or possesses with intent to manufacture or deliver nitrous oxide for any purpose prohibited under Section 24.5-5 is guilty of a Class 3 felony.

(Source: P.A. 91-366, eff. 1-1-00.)

Some home rule communities have banned the sale of Nitrous Oxide in certain business establishments in their jurisdiction over the past couple of years. New proposed legislation for the State has also been recently introduced, but it is still stuck in committee.

**104TH GENERAL ASSEMBLY
State of Illinois
2025 and 2026
HB0063**

Introduced , by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24.5-10

Amends the Criminal Code of 2012. Provides that the sale or consumption of nitrous oxide is prohibited on the premises of any business whose gross revenues exceed 50% from the sale of alcoholic liquor, tobacco products, electronic cigarettes, or alternative nicotine products. Provides that a violation is a Class 3 felony. Exempts the sale or consumption of food items containing nitrous oxide. Defines terms.

LRB104 03596 RLC 13620 b

A BILL FOR

0063

LRB104 03596 RLC 136

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 24.5-10 as follows:

6 (720 ILCS 5/24.5-10)

7 Sec. 24.5-10. Unlawful manufacture, sale, distribution, ~~or~~
8 delivery, or consumption.

9 (a) In this Section:

10 "Alcoholic liquor" has the meaning given the term in
11 Section 1-3.05 of the Liquor Control Act of 1934.

12 "Tobacco product", "electronic cigarette", and
13 "alternative nicotine product" have the meanings given those
14 terms in subsection (a-9) of Section 1 of the Prevention of
15 Tobacco Use by Persons under 21 years of Age and Sale and
16 Distribution of Tobacco Products Act.
17 (b) Any person, firm, corporation, co-partnership, limited
18 liability company, or association that intentionally
19 manufactures, delivers, or possesses with intent to
20 manufacture or deliver nitrous oxide for any purpose
21 prohibited under Section 24.5-5 is guilty of a Class 3 felony.
22 (c) The sale or consumption of nitrous oxide is prohibited
23 on the premises of any business whose gross revenues exceed

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1 50% from the sale of alcoholic liquor, tobacco products,
2 electronic cigarettes, or alternative nicotine products. A
3 violation of this subsection (c) is a Class 3 felony.
4 (d) Subsection (c) does not apply to the sale or
5 consumption of food products containing nitrous oxide.

The law changed back around January 1, 1996, when it was previously illegal to sell nitrous oxide.

Public Act 91-0366

HB0252 Enrolled

LRB9100824RCdvA

AN ACT to amend the Criminal Code of 1961 by changing Sections 24.5-5 and 24.5-10.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 24.5-5 and 24.5-10 as follows:

(720 ILCS 5/24.5-5)

Sec. 24.5-5. Unlawful possession. Any person who possesses nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or who knowingly and with the intent to do so is under the influence of nitrous oxide or any material containing nitrous oxide is guilty of a Class A misdemeanor. A person who commits a second or subsequent violation of this Section is guilty of a

Class 4 felony ~~B-misdemeanor~~. This Section shall not apply to any person who is under the influence of nitrous oxide or any material containing nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care by a person duly licensed to administer such an agent.

(Source: P.A. 89-354, eff. 1-1-96.)

(720 ILCS 5/24.5-10)

Sec. 24.5-10. Unlawful manufacture or delivery ~~sale or distribution~~.

Any person, firm, corporation, co-partnership, limited liability company, or association that intentionally manufactures, delivers, or possesses with intent to manufacture or deliver ~~sells, offers for sale, distributes, or gives away~~ nitrous oxide for any purpose prohibited under Section 24.5-5 is guilty of a Class 3 felony ~~B-misdemeanor~~.

(Source: P.A. 89-354, eff. 1-1-96.)

COST

No cost at this time

ATTACHMENTS

None

RECOMMENDATION

This topic aims to foster community discussion and educate residents about the dangers of nitrous oxide. Some home-rule communities have limited the sale of N2O in certain local businesses, such as tobacco and alcohol outlets, especially when a significant part of their revenue comes from these sources. However, they have not addressed online sales or age restrictions for purchasing the product. The Illinois State Legislature has a bill (HB 0063, introduced in January 2025) that is currently pending in committee. If the Board chooses, this would be a good opportunity to discuss the proposed bill with state legislators.