

Annex 1

Draft Law on Nitrous Oxide

The following is hereby laid down.

Content and purpose of the Law

Section 1 This Law contains provisions on the sale, import, and marketing of nitrous oxide.

Section 2 The law aims to counteract the use of nitrous oxide as an intoxicant.

Relationship with other legislation

Section 3 This Law shall not apply to nitrous oxide covered by the Medicinal Products Law (2015:315).

Prohibition on the sale of nitrous oxide as an intoxicant

Section 4 Nitrous oxide may not be sold, or otherwise supplied in the course of trade if there is particular reason to assume that the nitrous oxide will be used as an intoxicant.

When assessing whether there is particular reason to assume that the nitrous oxide is to be used as an intoxicant, account must be taken, inter alia, of the manner and context in which the sale or supply takes place.

Quantity limitation

Section 5 A maximum of 18 grams of nitrous oxide may be sold, or otherwise supplied in the course of trade to a private individual per purchase. The sale, or release shall concern a maximum of two containers, each with a capacity of not more than 9 grams of nitrous oxide.

The person supplying nitrous oxide in excess of the quantity limit must ensure that the recipient is a trader. Nitrous oxide shall be supplied in such a way that it is possible to verify whether the recipient is a trader.

Age requirements

Section 6 Additionally, nitrous oxide may not be sold, or otherwise supplied in the course of trade to persons under the age of 18.

The person supplying nitrous oxide shall ensure that the recipient has reached the age referred to in the first subparagraph. Nitrous oxide shall be supplied in such a way that the age of the recipient can be verified.

Introduction

Section 7 Nitrous oxide may be brought into the country only by persons who have reached the age of 18. A private individual may import

a maximum of 18 grams of nitrous oxide at any one time in a maximum of two containers holding a maximum of 9 grams of nitrous oxide per container.

Marketing

Section 8 The marketing of nitrous oxide shall be prohibited in breach of the prohibitions and restrictions in Sections 4 to 7 of this Law.

Notification of sales and self-monitoring

Section 9 Retail sales of nitrous oxide may only be conducted after the sale has been notified to the Public Health Agency of Sweden.

Section 10 A retailer of nitrous oxide shall exercise self-monitoring of the sale and any other handling of the nitrous oxide, and have a self-monitoring programme suitable for the business.

The self-monitoring programme and any other information necessary for the supervision by the Public Health Agency of Sweden shall be attached to the notification of sale pursuant to Section 9. Changes in the content of the self-monitoring programme, or other information in the notification must be reported to the Public Health Agency of Sweden without delay.

Supervision

Section 11 With the exception of what is stated in Section 12, the Public Health Agency of Sweden shall supervise compliance with this Law and any regulations issued pursuant thereto.

Section 12 The Swedish Consumer Agency supervises compliance with Section 8 with regard to marketing to consumers.

The Consumer Agency's supervision is subject to the provisions of the Marketing Law (2008:486). Any marketing measure that contravenes this Law shall, for the purposes of Sections 5, 23, and 26 of the Marketing Law, be regarded as unlawful.

Powers

Section 13 In its supervisory activities, the Public Health Agency of Sweden may issue the injunctions necessary to ensure compliance with this Law, and the regulations issued pursuant thereto.

Such injunctions may be accompanied by a fine. The fine may not be converted into a prison sentence.

Section 14 In the event of serious or repeated infringements of this Law, the Public Health Agency of Sweden may prohibit a retailer of nitrous oxide from continuing the sale or, if a prohibition may be considered to be an excessively intrusive measure, issue a warning.

A decision prohibiting the continuation of the sale shall apply immediately, unless otherwise specified in the decision.

A prohibition may be issued for a period not exceeding six months.

Information and access

Section 15 The Public Health Agency of Sweden may, upon request, obtain the information, documents, samples, and the like necessary for its supervision under this Law.

Section 16 In order to fulfil its tasks under this Law, the Public Health Agency of Sweden has the right to access areas, premises, and other spaces within the scope of this Law, or regulations issued thereto, and may carry out investigations and take samples there. For samples taken, no compensation is paid.

Section 17 The Swedish Police Authority shall, at the request of the Public Health Agency of Sweden, provide the assistance necessary for the Public Health Agency of Sweden to obtain the access referred to in Section 16.

A request pursuant to the first paragraph may be made only if:

1. on the basis of special circumstances, there are concerns that the measure cannot be carried out without resorting to a police officer's special powers under Section 10 of the Police Act (1984:387); or
2. there are some other exceptional reasons.

Control purchases

Section 18 The Public Health Agency of Sweden may carry out control purchases in order to provide a basis for a dialogue between the Agency and the person selling nitrous oxide as regards the obligation to ensure that the recipient has reached the age of 18.

For such purchases, the Public Health Agency of Sweden may only use persons who have reached the age of 18.

A control purchase may be carried out without the seller being notified in advance of the control purchase. The Public Health Agency of Sweden shall, as soon as possible after a control purchase, inform the seller of the control purchase.

The findings of control purchases may not constitute grounds for the Agency to issue an injunction, prohibition or warning under Sections 13 or 14.

Mutual provision of information

Section 19 If a municipality, in the course of its activities, becomes aware of something that may be of importance for the supervision of the Public Health Agency of Sweden, the municipality shall inform the Agency of this.

Section 20 If, in the course of its activities, the Public Health Agency of Sweden becomes aware of marketing to consumers that contravenes this Law, it shall inform the Consumer Agency of this.

Fees

Section 21 The Public Health Agency of Sweden may charge fees for its supervision of a retailer of nitrous oxide.

The Public Health Agency of Sweden may charge a fee for the notification of sale to be made in accordance with Section 9.

Appeals

Section 22 Decisions under this Law, or regulations issued pursuant thereto, may be appealed to a general administrative court. Leave to appeal is required when appealing to the Administrative Court of Appeal.

Penal provisions

Section 23 Anyone who intentionally or negligently

1. sells or supplies nitrous oxide in contravention of Section 4,
2. sells or supplies nitrous oxide in quantities greater than those prescribed in Section 5;
3. sells or supplies nitrous oxide to a person who has not reached the prescribed age in Section 6,
4. engages in retail sales of nitrous oxide without first having notified the sale in accordance with Section 9, or
5. sells nitrous oxide in violation of a notified sales prohibition in accordance with Section 14 and is sentenced for *unlawful handling of nitrous oxide* to a fine, or to a term of imprisonment not exceeding six months.

If the offence is minor, it shall not give rise to liability.

Section 24 A person who has infringed a penalty injunction shall not be held liable under this Law for the offence or offences covered by the injunction.

Section 25 Provisions on liability for unlawful import of nitrous oxide are laid down in the Smuggling Penalties Law (2000:1225).

Authorisations

Section 26 The Government or the authority designated by the Government may issue regulations on

1. exemptions from the quantity limit in Section 5, first paragraph, and Section 7,
2. the obligation to verify that the recipient is a trader pursuant to Section 5, second paragraph,
3. how the notification of retail sales of nitrous oxide is to be made in accordance with Section 9 and what the notification is to contain,
4. the design of the self-monitoring programme in Article 10,
5. the implementation of control purchases in accordance with Section 18, and
6. the amount and payment of the fees that the Public Health Agency of Sweden may charge pursuant to Article 21.

1. This Law comes into force on 1 July 2025.
2. Retail sale of nitrous oxide shall be permitted until 1 September 2025 without a notification in accordance with Section 9 being made.