

BMG suggested wording for the draft amending the New Psychoactive Substances Act, BT
printed matter 21/1504

*[not agreed / under interdepartmental consultation (ÄÄe [...] not yet under interdepartmental
consultation)]*

Article	Sections	Keyword	Description	p.
Article 1	Annex 2	Laughing gas cartridges: Increase in the permissible filling quantity of cartridges, introduction of a limit on the quantity sold in stationary retail outlets	• Increase in the maximum permissible filling quantity of laughing gas cartridges from 8 to 8.4 grams to account for production-related filling quantity fluctuations. • At the same time, introduction of a per sale limit on the number of laughing gas cartridges sold to private end consumers.	Under Article 1, see p. 9 of the GE.

ÄA

Draft – Number 1

Re: Article 1, Annex 2

(Increase in the permissible filling quantity of laughing gas containers, limitation of the quantity of laughing gas cartridges sold to end consumers)

The Bundestag is requested to adopt

the draft act in printed matter 21/1504 with the following proviso, otherwise unchanged:

In Article 1(8), Annex 2 is replaced by the following Annex 2¹:

'Annex 2

International Nonproprietary Names (INN) of the World Health Organisation	Properties of the substance or the preparation	Properties of the new psychoactive substance	Other non proprietary or common names	Chemical names according to the nomenclature of the International Union of Pure and Applied Chemistry (IUPAC)	European Community (EC) number
1,4-butanediol	Substance: Pure substance Preparations: any preparation containing more than 20 per cent of the substance referred to in column 1	Each substance	BDO, tetramethylene glycol, 1,4-butylene glycol, 1,4-dihydroxybutane, B1D, Sucol B, diol 14B, 1,4-BD	butane-1,4-diol	203-786-5
γ-butyrolactone	Substance: Pure substance Preparation: any preparation containing more than 20 per cent of the substance referred to in column 1	Each substance	gamma-butyrolactone, GBL, butyro-1,4-lactone, dihydrofuran-2-one, 1-oxa-cyclopentan-2-one, 4-butanolide	oxolan-2-one	202-509-5
nitrous oxide	Substance: Pure substance Preparations: any preparation	Packaging in a container with a filling quantity of the substance referred to in column 1 of more than 8.4 grams; Per sale, the dispensing of more than 10 containers, each with a filling quantity of up to 8.4 grams of the substance listed in column 1	laughing gas, dinitrogen monoxide, nitrous oxide, azo-oxide, E 942	nitrous oxide	233-032-0 ¹ .

¹ Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17/9/2015, p. 1).

Justification:

Due to the properties regulated in Annex 2, Column 3, cartridges containing nitrous oxide (laughing gas) with a defined filling quantity are exempt from the administrative handling ban under Section 3(1) (1) of the New Psychoactive Substances Act (NpSG). This exception takes into account the recognised use of these cartridges, in particular by private sector consumers for the purpose of frothing cream. The '8-gram cartridges' currently available on the market sometimes contain up to 8.4 grams of product. Due to the identical size of the cartridges, it is assumed that these are individual variations in filling quantities on the part of the manufacturer. To avoid production-related technical changes by manufacturers, the permissible filling quantity is to be increased from 8 grams to 8.4 grams in order to reduce the implementation costs for companies that produce laughing gas cartridges to as low a level as possible. Increasing the permissible filling quantity by 0.4 grams does not result in any additional health risk. In view of health protection on the one hand, and the widespread use of cartridges filled with up to 8.4 grams of laughing gas on the other hand, the setting of this limit is appropriate.

At the same time, in the interests of health protection, the permissible dispensing quantity for the '8-gram cartridges', which can in principle still be purchased by private end consumers in stationary retail stores, is to be limited to ten cartridges per sales transaction. Limiting the number of cartridges to up to 10 ensures that private end consumers can still purchase the necessary quantities for intended household use in retail stores, while the risk of misuse is kept as low as possible. It is also intended to prevent private end consumers from stockpiling large quantities, which would create a risk of diversion for misuse. The regulation allows private adult end consumers to purchase up to ten '8-gram cartridges' in a single sales transaction in brick-and-mortar stores and exempts them from the administrative ban of Section 3(1)(1). The dispensing of a package containing up to ten individual 8-gram cartridges takes into account the usual packaging size in retail stores. Packaging containing more than ten 8-gram cartridges, for example 24, 50 or 100 individual cartridges, shall, however, be subject to the administrative ban of Section 3(1)(1).