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April 21, 2017

The Honorable Jim Nielsen  
State Capitol, Room 2068  
Sacramento, CA 95814  
Fax: (916) 651-4904

SB 631 (Nielsen): Nitrous oxide  
AAP-CA Position: SUPPORT

Dear Senator Nielsen:

The American Academy of Pediatrics, California (AAP-CA), representing over 5,000 board-certified pediatrician members statewide, strongly supports your proposed legislation SB 631 (Nielsen). This bill would prohibit retailers of tobacco or tobacco-related products from selling, offering, or exposing for sale nitrous oxide.

Approximately 1 in 8 high school students report having used an inhalant substance, with nitrous oxide being one of the most common. When used as a recreational drug, nitrous oxide can be extraordinarily harmful. Nitrous oxide abuse can lead to permanent cognitive impairment and problems with coordination. Not only that, but nitrous oxide canisters intended for recreational use—known as “whippits”—are available for sale in many tobacco retailers and so-called head shops, where patrons who seek to purchase cigarettes or other goods may be encouraged to use nitrous oxide as a recreational drug. While it is illegal to sell nitrous oxide for recreational use, it is often exceedingly difficult to prove in a court of law that the seller’s intention was that the substance be used recreationally. As such, this can be a very difficult provision to enforce, even though common sense suggests nitrous oxide sold in a head shop would very likely be destined for use as a recreational drug.

SB 631 (Nielsen) would clarify existing law by mandating that nitrous oxide could not be sold in a tobacco retailer or head shop, where its presence encourages patrons—including teenagers and young adults, who are the most frequent users of whippits—to purchase and consume a dangerous and illegal drug.

California pediatricians strongly support SB 631 (Nielsen). We thank you for your public service and leadership on behalf of the health and well-being of children, youth, and families in California.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne".

Susan Wu, M.D., Fellow of the American Academy of Pediatrics  
State Government Affairs Committee, American Academy of Pediatrics, California

CC: Kris Calvin, CEO; AAP-CA Leadership; Lydia Bourne