

117TH CONGRESS
1ST SESSION

H. R. 3470

To require the Secretary of Health and Human Services to study State efforts to regulate certain uses of nitrous oxide, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Mrs. TORRES of California (for herself, Mrs. NAPOLITANO, and Mr. AGUILAR) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Secretary of Health and Human Services to study State efforts to regulate certain uses of nitrous oxide, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Myles Edward Scott
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Nitrous oxide, also known as laughing gas,
9 is regulated at the Federal level by the Food and

1 Drug Administration as a food-grade propellant and
2 designated medical gas.

3 (2) The racing car industry also uses nitrous
4 oxide to increase an engine's power output by inject-
5 ing it into an internal combustion engine.

6 (3) Over 1 million adolescents and young adults
7 in the United States have used nitrous oxide illicitly
8 for recreational purposes.

9 (4) Use of nitrous oxide can cause headaches,
10 drowsiness, breathing difficulty, or asphyxia, which
11 can lead to a lapse into unconsciousness or death.

12 (5) Myles Edward "Eddie" Scott was killed in
13 a single car accident on Interstate 10 in San
14 Bernardino County, California, on June 5, 2014,
15 one week after he earned his high school diploma,
16 after the driver of the vehicle in which he was a pas-
17 senger passed out after inhaling nitrous oxide.

18 (6) The Food and Drug Administration's Office
19 of Criminal Investigations has investigated busi-
20 nesses that purport to sell nitrous oxide for car rac-
21 ing applications but knowingly sell nitrous oxide to
22 customers solely for recreational drug use.

23 (7) It is a violation of the law in many States
24 to sell nitrous oxide for recreational purposes.

1 (8) Studying the effectiveness of State laws
2 prohibiting the recreational use of nitrous oxide is a
3 necessary first step in examining what role the Fed-
4 eral Government should play to protect the health of
5 the public in regards to recreational use of nitrous
6 oxide.

7 **SEC. 3. REPORT.**

8 Not later than 1 year after the date of enactment
9 of this Act, the Secretary of Health and Human Services,
10 in consultation with the Director of the Centers for Dis-
11 ease Control and Prevention, the Commissioner of Food
12 and Drugs, the Assistant Secretary for Mental Health and
13 Substance Use, the Administrator of the Environmental
14 Protection Agency, the Chairman of the Consumer Prod-
15 uct Safety Commission, and other relevant Federal agen-
16 cies, shall—

17 (1) conduct a study on State regulatory require-
18 ments with respect to nitrous oxide that is manufac-
19 tured and sold for use in consumer applications; and

20 (2) submit a report to Congress on the results
21 of the study and containing recommendations for
22 Federal requirements with respect to such manufac-
23 ture and sale that are needed to protect human
24 health and safety.

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