



INDIANA ALCOHOL & TOBACCO COMMISSION FOR IMMEDIATE RELEASE

Contact: Ashley Merritt | amerritt@atc.in.gov

ATC Warns of Alarming Trend in Illegal Sale of Nitrous Oxide *Nitrous oxide used to get intoxicated can cause heart attacks and death*

INDIANAPOLIS (Jan. 27, 2025) -- The Indiana Alcohol and Tobacco Commission issued notice today to over 8,200 tobacco sellers throughout Indiana, warning them about the illegal sale of nitrous oxide.

“It is illegal in Indiana to sell nitrous oxide for the purposes of intoxication, and Indiana State Excise Police have discovered an alarming trend of this activity among certain gas stations, convenience stores, smoke shops, and tobacco/vaping businesses throughout the state,” said Jessica Allen, ATC executive director.

Pursuant to Indiana Code § 35-46-6-3, a person who knowingly or intentionally uses or distributes nitrous oxide with the intent to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses of another person commits a Class B misdemeanor (unless used for medical purposes). However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction.

To date, 18 Indiana tobacco certificate holders have been cited for this illegal activity and some of their employees have been referred for criminal prosecution.

“We’re seeing some sellers hiding the nitrous oxide tanks and only offering them for sale upon request and selling nitrous oxide tanks with no additional culinary items such as whipping cream,” warns Superintendent Matt Strittmatter of the Indiana State Excise Police.

Superintendent Strittmatter said some of these sellers are also giving customers, including minors, instructions on how to use a nitrous oxide tank for the purposes of intoxication. Excise also found some of the nitrous oxide products even appear to contain certain flavors such as blue raspberry, cotton candy, and watermelon.

While commonly used in clinical settings as a sedative or anesthetic, nitrous oxide is also used to make whipped cream. This makes the substance readily accessible to use it recreationally to get high or intoxicated.

When inhaled for recreational purposes, nitrous oxide can cause side effects including, but not limited to, blurred vision, dizziness, dissociation, disorientation, loss of balance, impaired memory and cognition, numbness, and weakness in the legs. In large amounts, nitrous oxide can cause a lack of oxygen amongst users which may lead to loss of blood pressure, fainting, heart attack, and even death.

“Not only are these products risky to store and when used to become intoxicated, but they are also extremely costly to dispose of,” said Allen.

Allen estimates that cost could amount to \$1 million by 2026 if the trend continues. The ATC encourages the public to submit anonymous tips or complaints about this matter to [Indiana State Excise Police](#) or their local law enforcement agency.

For a copy of the letter issued to tobacco sellers throughout Indiana today, and photos of nitrous oxide containers seized for evidence, please [click here](#).

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ABOUT THE INDIANA ALCOHOL & TOBACCO COMMISSION

The Indiana Alcohol & Tobacco Commission is responsible for issuing and regulating alcoholic beverage permits throughout the State of Indiana. The Commission issues and regulates alcohol facility permits for businesses, as well as employee permits for bartenders, waiters, waitresses, salespersons, and clerks who wish to sell, serve, or dispense alcoholic beverages. The Commission is also charged with issuing tobacco sales certificates and regulating the sale of tobacco products in Indiana. The Commission is comprised of four (4) members who are appointed by the Governor of the State of Indiana, and no more than two (2) Commissioners may belong to the same political party. All citations issued by Indiana State Excise Police are subject to review by the ATC Prosecutor who ultimately has discretion on whether to file a formal administrative violation against a retailer regulated by the ATC. Additionally, all individuals charged with a criminal offense are presumed innocent until proven guilty in a court of law.

Indiana Alcohol & Tobacco Commission | Indiana Government Center South 302 W. Washington Street, Room E-114 | Indianapolis, IN 46204 US

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