



# Cabinet Social Outcomes Committee

## Minute of Decision

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### Addressing Nitrous Oxide Misuse

**Portfolio**                      **Health**

On 22 April 2026, the Cabinet Social Outcomes Committee:

- 1        **noted** that harm from nitrous oxide misuse has increased in recent years, and that this harm is associated with the availability of larger, portable cannisters, which do not appear to have a legitimate use;
- 2        **agreed** to regulate under the Psychoactive Substance Act 2013 to provide that nitrous oxide is a psychoactive substance when supplied in cannisters larger than 10 grammes net weight;
- 3        **agreed** that regulation will exclude containers used for legitimate medical and industrial purposes;
- 4        **agreed** that the harm occurring from the psychoactive use of nitrous oxide means it is necessary in the public interest to restrict import;
- 5        **agreed** to a new import restriction, under the Customs and Excise Act 2018, prohibiting the import of all nitrous oxide, but providing that the Director-General of Health may permit import if satisfied that:
  - 5.1      the gas is intended for lawful use;
  - 5.2      the importer will take reasonable steps to avoid diversion to unlawful use;
- 6        **noted** that the Director-General of Health will publish criteria to fairly and transparently consider applications for permission to import;
- 7        **invited** the Minister of Health to issue drafting instructions to the Parliamentary Counsel Office to prepare an Order in Council to give effect to Cabinet's decisions in paragraphs 2 and 3;
- 8        **invited** the Minister of Customs to issue drafting instructions to the Parliamentary Counsel Office to prepare an Order in Council to give effect to Cabinet's decisions in paragraph 5.

Tom Kelly  
Committee Secretary

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**Attendance: (See over)**

**Present:**

Hon David Seymour  
Rt Hon Winston Peters  
Hon Nicola Willis  
Hon Simeon Brown  
Hon Paul Goldsmith  
Hon Louise Upston (Chair)  
Hon Mark Mitchell  
Hon Tama Potaka  
Hon Casey Costello  
Hon Matt Doocey  
Hon Penny Simmonds  
Hon Nicola Grigg  
Hon Scott Simpson  
Hon Karen Chhour

**Officials present from:**

Office of the Deputy Prime Minister  
Officials Committee for SOU