



Cabinet Legislation Committee

Minute of Decision

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Psychoactive Substances (Nitrous Oxide) Regulations 2026

Portfolio **Health**

On 28 May 2026, the Cabinet Legislation Committee:

- 1 **noted** that in April 2026, the Cabinet Social Outcomes Committee agreed:
 - 1.1 to regulate nitrous oxide under the Psychoactive Substances Act 2013 to provide that it is a psychoactive substance when supplied in containers larger than 10 grams net weight; and
 - 1.2 that this regulation will exclude those containers used for legitimate medical and industrial purposes;

[SOU-26-MIN-0035]
- 2 **noted** that the Psychoactive Substances (Nitrous Oxide) Regulations 2026 (the Regulations) will give effect to the decisions above;
- 3 **noted** that section 99 of the Psychoactive Substances Act 2013 requires that the responsible Minister:
 - 3.1 be satisfied that the regulations are reasonably necessary for achieving the purpose of the Act; and
 - 3.2 seek and give regard to the advice of the advisory committee regarding the regulations; and
 - 3.3 consult with those likely to be substantially affected by the regulations, before recommending the making of an Order in Council under section 99;
- 4 **noted** the Minister of Health's advice that the above requirements have been met;
- 5 **noted** that a waiver of the 28-day rule is sought:
 - 5.1 so that the Regulations can come into force the day after they have been notified in the New Zealand Gazette;
 - 5.2 on the grounds that it will prevent individuals defeating the purpose of the Regulations by stockpiling nitrous oxide, or heavily discounting, in the period between the regulations being gazetted and coming into effect;

- 6 **agreed** to waive the 28-day rule so that the Regulations can come into force on 5 June 2026;
- 7 **authorised** the submission to the Executive Council of the Psychoactive Substances (Nitrous Oxide) Regulations 2026 [PCO 28998/6.0].

Tom Kelly
Committee Secretary

Present:

Hon Simeon Brown
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston (Chair)
Hon Todd McClay
Hon Brooke van Velden
Hon Nicole McKee
Hon Casey Costello
Hon James Meager
Hon Scott Simpson
Hon Cameron Brewer
Hon Mike Butterick
Hon Andrew Hoggard
Stuart Smith, MP

Officials present from:

Officials Committee for LEG
Office of the Leader of the House

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