Warren County Board of Superbisors

RESOLUTION NO. 433 OF 2026

RESOLUTION INTRODUCED BY SUPERVISORS STRAINER, GILLIGAN, BRUNO, MADAY, BUTLER, WILD AND O'NEILL

ENACTING LOCAL LAW NO. 10 OF 2026, ENTITLED "A LOCAL LAW PROHIBITING THE SALE OF NITROUS OXIDE CHARGERS IN WARREN COUNTY EXCEPT TO BUSINESSES WITH APPROPRIATE FOOD SALE PERMITS OR LICENSES"

WHEREAS, a proposed Local Law was duly presented to the Board of Supervisors and considered by them, said proposed local law entitled "A Local Law Prohibiting the Sale of Nitrous Oxide Chargers in Warren County except to Businesses with Appropriate Food Sale Permits or Licenses," and

WHEREAS, the Board of Supervisors adopted Resolution No. 381 of 2026, which authorized a public hearing to be held by the Board of Supervisors on the 20th day of November, 2026 in the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed local law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at such public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Warren, New York, on this 20th day of November, 2026, does hereby enact and adopt Local Law No. 10 of 2026, as annexed hereto.

COUNTY OF WARREN
LOCAL LAW NO. 10 OF 2026

"A LOCAL LAW PROHIBITING THE SALE OF NITROUS OXIDE CHARGERS IN WARREN COUNTY EXCEPT TO BUSINESSES WITH APPROPRIATE FOOD SALE PERMITS OR LICENSES"

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York as follows:

SECTION 1. TITLE.
This Local Law shall be entitled "A Local Law Prohibiting the Sale of Nitrous Oxide in Warren County except to Businesses with Appropriate Food Sale Permits or Licenses."

SECTION 2. LEGISLATIVE INTENT.
The Warren County Board of Supervisors finds that whipped cream chargers, which contain nitrous oxide gas, are often misused for recreational inhalation that pose significant health risks including abnormal blood counts, asphyxiation, blood clots, frostbite, headache, impaired bowel and bladder function, lightheadedness, limb weakness, loss of consciousness, numbness, palpitations, paralysis, psychiatric disturbances (delusions, hallucinations, paranoia, depression), tingling, trouble walking, vitamin B12 deficiency, neurological damage including spinal cord and brain damage, and in some cases, death. While state law already regulates certain aspects of their sale, additional local restrictions are necessary to prevent unauthorized access and misuse. This local law aims to limit the sale of nitrous oxide containers to legitimate food related businesses that hold permits under relevant New York State laws, thereby limiting the likelihood of abuse.

SECTION 3. DEFINITIONS.
Unless otherwise expressly stated in this Local Law, the following terms shall be defined as:

a. "Nitrous Oxide Container" shall mean a cylinder or cartridge filled with nitrous oxide (N2O) that is used as a whipping agent in a whipped cream dispenser. This definition shall not apply to nitrous oxide that has been premised with a dairy product or a dairy-like product for the purpose of making a whipped topping or pre-pressurized whipped cream dispensers where the nitrous oxide charger is fully incorporated into the product's sealed design, such as single-use cans intended for direct dispensing of whipped cream, and where the charger cannot be accessed, removed, or re-purposed for non-culinary uses without destroying the product.
b. "Person" shall mean any individual, company, partnership, corporation, limited partnership, joint venture or other legal entity.
c. "Food Sale Permit" shall mean a valid permit or license issued pursuant to: (i) The New York State Sanitary Code (10 NYCRR Part 14) or other provisions of the New York State Public Health Law authorizing the operation of a food service establishment or the sale of food; or (ii) The New York State Agriculture and Markets Law, including but not limited to Article 20-C (Licensing of Food Processing Establishments) or Article 28 (Retail Food Stores).

SECTION 4. PROHIBITIONS.

a. No Person shall sell or offer for sale any Nitrous Oxide Container to any Person unless the Person possesses a current and valid Food Sale Permit as defined in Section 3(c) of this local law.
b. Prior to any sale, the seller shall verify that the purchaser holds a valid Food Sale Permit by inspecting a copy of such permit or obtaining written certification from the purchaser attesting to the

permit's validity, including the permit number, issuing authority, and expiration date. The Person selling Nitrous Oxide Containers shall maintain records of such verifications for a period of at least two (2) years, which shall be made available to the Warren County Public Health Department, the Warren County Sheriff, the New York State Police, or other authorized enforcement officials upon request.

c. This section shall not apply to sales between manufacturers, distributors, or wholesalers of whipped cream chargers where both parties are licensed under applicable state or federal laws for such activities, provided that the end purchaser complies with subsection (a) herein.

SECTION 5. ENFORCEMENT AND PENALTIES.

a. This local law shall be enforced by any local law enforcement agency located in Warren County and any other authorized enforcement officials.
b. Any Person who violated Section 4 of this local law shall be guilty of a Class A misdemeanor punishable by a fine of up to One Thousand Dollars ($1,000.00), a period of incarceration of up to one (1) year, or both. An additional fine of One Thousand Five Hundred Dollars ($1,500.00) may be added for any subsequent violation of this local law.
c. Any Person that violates Section 4 of this local law by selling, offering for sale or otherwise distributing any Nitrous Oxide Containers to a minor shall be guilty of a Class A misdemeanor and shall be punishable by a fine of up to One Thousand Five Hundred Dollars ($1,500.00), a period of incarceration of not more than one (1) year, or both. Any Person who commits a second or subsequent violation of Section 5(c) of this local law shall be guilty of a Class E felony and shall be punishable by a fine of up to Two Thousand Five Hundred Dollars ($2,500.00), a period of incarceration of not more than one (1) to four (4) years incarceration, or both.
d. In addition to any fine levied, the County may seek injunctive relief to prevent continued and repeated violations of this local law, which may result in the suspension or revocation of any county-issued business licenses or permits held by the violator.

SECTION 6. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but, shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State.