

NITROUS OXIDE — REGULATION

Grievance

MRS J.M.C. STOJKOVSKI (Kingsley) [9.34 am]: My grievance today is to the Minister for Health and it is about the lack of regulation around the sale and supply of nitrous oxide or nangs, particularly to the youth in our community.

Nitrous oxide, which is commonly known as laughing gas, nangs, bulbs or whippets, is colourless and tasteless. It is used in medical and dental settings for anaesthesia in combination with oxygen, and it is also used as a high-performance vehicle fuel and generally added to sulphur dioxide. However, it is most commonly sold in the community in small bulbs that are used for making whipped cream. When taken, nitrous oxide acts to depress the central nervous system by slowing down brain activity, resulting in the temporary loss of motor control and a dissociative psychological effect, whereby sensations and perceptions become disconnected. People who use nitrous oxide in this manner report a dreamy mental state and may experience mild auditory and, occasionally, visual hallucinations.

Recently, Kingsley locals Karin and Andy reached out to me to share their story about a family member who had become addicted to this substance. Having seen the side effects of nang addiction firsthand, they are keen to make sure that this does not happen to another family. I was shocked to find out that there is little to no regulation around the sale and supply of nitrous oxide bulbs or nangs in our community. They can be purchased by anyone, even children, and they can be delivered to any residence, no matter the time, day or night. Although I acknowledge that nitrous oxide has legitimate uses, children and young people in our community are sometimes using them to achieve a high, often at the expense of their health.

It is well known that nitrous oxide is associated with a range of potential harmful effects, including reduced blood pressure, fainting, heart attack, hypoxia, memory loss, a significant reduction in vitamin B12 stores, damage to the spine, anaemia, incontinence, numbness to the extremities, limb spasms and a weakened immune system. It can also cause birth defects if taken during pregnancy. In addition to the health impacts, nitrous oxide has a negative impact on our environment with users discarding the empty bulbs anywhere they see fit, and I know from the many posts on my local Facebook groups that this has been seen by people in my community and other communities. This has an adverse effect on our waterways, local parks and playgrounds, not to mention the effect it has on the young children in our community who find great piles of discarded bulbs.

This issue is not unique to Western Australia. In February this year, the news program *A Current Affair* ran a story highlighting the problem in the eastern states, particularly in Melbourne. I note that the South Australian Parliament passed legislation that introduced regulations that took effect from 1 April this year to regulate the sale of nitrous oxide and impose new penalties for bricks-and-mortar and online businesses. Under the South Australian Controlled Substances (Poisons) (Nitrous Oxide) Variation Regulations 2019, it is now an offence to sell or supply to people under the age of 18 years, sell between the hours of 10.00 pm and 5.00 am, make nitrous oxide visible or accessible to the public in retail stores and fail to display a notice on a premises that details the offence of selling to those aged under 18 years. From 1 April 2020, sellers of nitrous oxide in South Australia have faced harsher penalties when they have failed to follow the new regulations. If nitrous oxide is sold between 10.00 pm and 5.00 am, the seller can be fined up to \$5 000. If a retailer fails to store nitrous oxide out of sight and inaccessible to the public, they can be fined up to \$5 000. If a retailer fails to display a notice on the premises detailing that it is an offence to sell or supply to under 18s, they can receive an on-the-spot fine of \$315 or be fined up to \$2 500. My understanding is that the current legislative framework does not prevent the sale of nitrous oxide for legitimate uses, such as cake decorating; however, this is problematic because it has to be proven that the seller knew that the buyer intended to use the nangs for non-legitimate use.

By highlighting this important issue in our community and sharing Karin and Andy's experience, I hope to prevent any further harm to any other families in my electorate of Kingsley and across the broader community of Western Australia. Having spoken about this issue with members of Parliament, including the members for Belmont, Southern River and Joondalup, I know that this issue is evident across our communities. I ask the minister to consider what options we can explore to limit the sale and supply of nitrous oxide, or nangs, to our community for non-legitimate uses. What is the best response for a Western Australian context and how can we best protect children and young people, and vulnerable people, in our community?

MR R.H. COOK (Kwinana — Minister for Health) [9.40 am]: I thank the member for Kingsley for bringing this grievance to this place today. I want to acknowledge her, as well as the members for Belmont and Southern River, for talking about these issues with me. It is an absolutely appropriate issue to bring before the chamber. As the member observed, nitrous oxide is a colourless, nonflammable gas that is inhaled by some, largely young people, for the purpose of intoxication. I am advised that the effects, which include perception distortions, occur quickly and dissipate in minutes. The gas is inhaled typically by discharging nitrous oxide gas cartridges or bulbs into another object or directly into the mouth. As the member observed, nitrous oxide is referred to by a number of colloquial names, including nangs, which I was familiar with, whippets, which was a learning experience for me, and, of course,

laughing gas. These names refer to not only the substance itself but also the container it is in. I acknowledge the member for Thornlie in the chamber, who will attest to the experience of confronting these containers on the road—they are actually quite dangerous for cyclists.

The member for Kingsley is absolutely right: there is increased concern about the level of use of nitrous oxide. These concerns about its use are supported by the most recent findings of the Ecstasy and Related Drugs Reporting System that were published in September this year. The reports suggest that this increase may be related to growing availability via both retail outlets and online businesses, which will deliver bulk units of nitrous oxide to residential dwellings 24 hours a day, seven days a week. The sale and supply is often made under the guise of selling catering supplies. An increasing number of people are presenting to hospital emergency departments as a result of the use of nitrous oxide. One major Perth hospital has advised that there have been seven nitrous oxide-related ED presentations in the past six months, compared with just two in the previous 12 months. I think the member for Kingsley and her constituents are right—there has certainly been an increase in the level of use. Some patients have presented to EDs following prolonged heavy use of nitrous oxide. For example, one patient reported consuming 200 to 300 bulbs per day over three months, while another reported consuming 1 000 over a 72-hour period. These are obviously extreme levels of use, but they really provide a picture of just how bad usage is in some cases. The member mentioned a range of potential harms from the deliberate inhalation of nitrous oxide, including reduced blood pressure, fainting, heart attack and hypoxia. Prolonged use can lead to other extreme responses, such as subacute spinal degeneration, the loss of the ability to walk and numbness in the extremities. Some people may require prolonged rehabilitation to walk again. Although the number of emergency department presentations is relatively small, the associated harms are serious and require a deliberate, targeted and proportionate response.

In WA, nitrous oxide is not currently considered to be a prohibited drug. As the member observed, it is legitimately used in a number of contexts. It is important that regulations introduced to restrict the sale of nitrous oxide for recreational use do not have unintended consequences. However, measures must be considered to reduce the ease of access of this product to people for the purpose of intoxication, and I absolutely support the member's sentiments as far as that is concerned. The Mental Health Commission is continuing to work to reduce the harms to the Western Australian community that are caused by the use of volatile substances such as nitrous oxide, including by providing support to regional stakeholders in areas in which addressing volatile substances has been identified as a priority, maintaining a website to provide information to frontline workers and service providers, and producing a retailers' information kit and code of conduct to inform retailers of their legal responsibilities and guide them in the responsible sale and display of volatile substances. In light of the reported instances and the members for Kingsley and Belmont raising this issue with me, I have asked the Mental Health Commission to provide advice on the ways in which the government could respond. To develop that advice, the commission is working with representatives of the Department of Health and the Western Australia Police Force, as well as hospital medical officers and academic experts. The group is considering a range of potential responses, including reviewing regulatory options, developing industry codes and introducing targeted education for retailers and customers. The group is mindful of the need for a response that is proportionate to the level of harm, as well as the need to avoid unintended consequences and unnecessary impacts on the sale and supply of nitrous oxide for legitimate uses.

I thank the member very much for bringing this issue to the government's attention. The member is working well with her constituents to bring this issue to our attention, help us understand the concerns and bring about an appropriate response. I will use the rest of my time to observe that, in opposition, I once brought a bill to this place to ban the sale of butane gas, which is used in various solvents and spray paints, to minors. The government of the day resisted the temptation to support my bill. In those days, people were essentially accessing these products through high street retail outlets and it was easy for the industry to respond. My concern in this case is that the capacity for the industry to respond is limited by the fact that so many sales are online. I think the member is absolutely right and that regulation will be necessary. The Mental Health Commission will dig into these issues over the coming weeks and months to provide the government with advice on how it should proceed.