

Impact Analysis Statement

Summary IAS

Details

Lead department	Queensland Health
Name of the proposal	Amendments to be moved during consideration in detail—Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Tobacco and Other Smoking Products Act 1998</i>
Date of issue	November 2025

Proposal type	Details
Regulatory proposals where no RIA is required	<p>The Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025 (Bill) proposes to amend the <i>Tobacco and Other Smoking Products Act 1998</i> (Act) to introduce the concept of 'compromised goods'. This term is currently defined to include smoking products, hookahs and components of hookahs. Under the proposal in the Bill, 'compromised goods' found alongside illicit tobacco and illicit nicotine products may be seized and forfeited.</p> <p>It is proposed to move amendments during consideration in detail to immediately address the recreational misuse of nitrous oxide bulbs and cannisters—colloquially known as 'nangs'—by including these products as an additional category of 'compromised goods' in the Bill. This will ensure these products can be seized when found alongside illicit tobacco and illicit nicotine products.</p> <p>Nitrous oxide is a gas used as an anaesthetic during surgery and dentistry, and has other legitimate purposes in culinary, industrial and scientific settings. Recreationally, people also use nitrous oxide bulbs and canisters for its psychoactive effects. Bulbs and canisters marketed for recreational use are widely available from tobacconists, gift shops and similar retail settings, where illicit tobacco and illicit nicotine products are sold. This is a significant public health risk, as sustained and heavy recreational use of nitrous oxide can cause serious health concerns, including incontinence, loss of motor control, psychiatric symptoms, and in severe cases, brain damage or death.</p> <p>There are currently limited legislative controls on the recreational use of nitrous oxide. For therapeutic purposes, nitrous oxide is a Schedule 4 medicine (prescription-only) under the <i>Medicines and Poisons (Medicines) Regulation 2021</i>, with dealings restricted to specific circumstances and authorised clinicians. For non-therapeutic purposes, nitrous oxide is a Schedule 6 poison under the Poisons Standard and must be sold with distinctive packaging with warnings and safety directions on the label. Seizure powers are only available where packaging and labelling requirements are not met, limiting the capacity of the current regulatory framework to effectively address the harms relating to the recreational use of nitrous oxide.</p>

	<p>Under the <i>Summary Offences Act 2005</i>, it is illegal for a retailer or salesperson to knowingly sell a 'potentially harmful thing' to a person they reasonably believe will inhale or ingest it, or who intends to sell it to another person for inhalation or ingestion. The Summary Offences Act does not include seizure powers in relation to this offence.</p> <p>The <i>Police Powers and Responsibilities Act 2000</i> includes a power for police to seize a potentially harmful thing for ingestion or inhalation. However, this power applies only to individual users and does not extend to the seizure of nitrous oxide from retailers or wholesalers.</p> <p>In practice, retailers and wholesalers avoid regulatory action under the Poisons Regulation and Summary Offences Act by simply displaying the required warning labels and claiming their products are intended for legitimate uses, such as baking or making whipped cream. This is despite clearly marketing to recreational users through confectionary-style flavours, cartoon imagery, oversized 3.3 litre canisters with no practical culinary use, and 24/7 rapid delivery services. Retailers also often package the bulbs and canisters with devices that facilitate inhalation, such as balloons, flavoured dispensers and 'crackers' that release nitrous oxide directly into a balloon for inhalation. These features promote recreational inhalation rather than legitimate use. The legitimacy of these claims is further undermined by the fact that such products are commonly sold through tobacconists and convenience stores, which have no genuine reason to sell culinary or industrial nitrous oxide products to the public.</p> <p>The amendments to be moved during consideration in detail of the Bill will allow authorised persons exercising powers under the Act to seize and forfeit nitrous oxide bulbs and canisters as 'compromised goods' alongside illicit tobacco or illicit nicotine products. This will assist in reducing the availability of nitrous oxide in the community for the purposes of recreational use and creating a further financial disincentive to stocking illicit products.</p> <p>In addition, the amendments to the Bill will establish a regulation-making power to enable further categories of 'compromised goods' to be prescribed in the future, recognising that retailers supplying illicit tobacco and illicit nicotine products often diversify into other harmful recreational products. The regulation-making power is limited to prescribing things that may be detrimental to public health.</p> <p>The amendments relate to general criminal law and will only impose non-compliance costs—not direct costs. Further, the amendments are urgent and necessary to address the serious public health risks associated with the recreational use of nitrous oxide in Queensland communities. For these reasons, Queensland Health has identified that no further regulatory impact analysis is required under the <i>Queensland Government Better Regulation Policy</i>.</p>
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Signed



Dr David Rosengren
Director-General, Queensland Health
Date: 6 November 2025



Honourable Tim Nicholls MP
Minister for Health and Ambulance Services
Date: 9 November 2025