

The loophole that allows an illegal, dangerous drug to be delivered to your door

Young people are inhaling nitrous oxide, also known as laughing gas, at skyrocketing rates. It can cause brain damage and has been responsible for several deaths. Yet NBC 5 Investigates discovered a loophole in the law that allows it to be sold in giant cannisters with flavors like bubblegum and watermelon in stores across Chicago and the suburbs or delivered to your door from your favorite online retailer. Now some officials are trying to close that loophole.

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It was in late 2023 when Jeff Wold first heard from police officers that they were finding small empty cartridges in the back seats of cars of DUI suspects.

Another officer told Wold, who back then was the chief of police in southwest suburban Manhattan, that he'd discovered 40 to 50 similar cartridges strewn around the home of a young overdose victim.

It turns out these officers were finding empty cartridges of nitrous oxide – laughing gas – which goes by the chemical name N₂O. Dentists dilute small amounts of N₂O with 100% oxygen to sedate their patients, and chefs use small N₂O cartridges as propellants to make homemade whipped cream. In the consumer world, as long as a buyer and seller agree that the product will be used for "culinary purposes," it is legal.

But this was different: These were young people in Manhattan, inhaling pure N₂O for a quick high.

Nitrous oxide has been around for decades and is sometimes referred to as "whippits" or "hippie crack." Inhaling the gas directly gives you a very quick, very intense high. But if you use it repeatedly you can experience paralysis, brain damage and psychosis, according to the National Institutes of Health.

In 2020, a 20-year-old driver who'd been huffing N₂O pled guilty to causing the death of a 25-year-old woman bystander in St. Louis, Missouri. In 2023, a 19-year-old man pled guilty in the deaths of three teenage passengers in his car when they were all inhaling N₂O in Oxfordshire, England. Also in 2023, a woman in Baton Rouge, Louisiana, found her fiancé dead in their home after he suffocated on nitrous oxide.

A 2024 study by the Yale School of Medicine says "few who use [nitrous oxide] recreationally are aware of how deeply dangerous it can be." The study adds: "Fueled by the fact that it is both legal and not difficult to get, recreational nitrous oxide use has skyrocketed in popularity. ... And, dangerously, its misuse is especially prevalent among adolescents and young adults."

Chief Wold, who has since become the Manhattan village administrator, wanted to see if N₂O was, truly, "not difficult to get."

"And so I started looking into it," said Wold, "and I heard that our tobacco shops here in town were selling it."

Even though Manhattan is fairly small, with a population of just over 10,000, it has two smoke shops. Wold said he walked into one and asked the clerk if he had nitrous oxide for sale.

"He goes, 'I have the one-liter canisters'" – far larger than the small ones Wold's officers had found. "And he pulls two of these canisters out of the box and takes one and holds it up and shows me."

"And I asked, 'Well, how does it work?'" Wold continued. "And he goes, 'Okay, you take the mouthpiece' -- and he reaches into the box and comes out with a little plastic device, and he screws it on."

Wold noted that the tank had a mouthpiece. "Why would someone making whipped cream have a mouthpiece?" he asks.

"The clerk just leans over. He doesn't actually put it in his mouth, but he puts it near his mouth and just presses the plastic mouthpiece for just a second, and a little nitrous comes out. And then he reaches to me and offers me a hit of it. I'm like, 'No thanks.' And here I'm dressed in a shirt and tie, sport coat, gun, badge. I mean, everyone knows I'm the police chief in town."

Wold asked to buy both of the large cartridges, but the clerk ultimately refused, saying he could only sell the tanks "under a technicality" -- that they would be used for cooking only -- and so he didn't feel comfortable selling it to the Manhattan village police chief.

But it appears that clerk's refusal-to-sell is a distinct exception, not the rule. NBC 5 Investigates found large, colorful tanks of pure nitrous oxide for sale in tobacco shops all through the city of Chicago, and throughout Chicago's suburbs, as well, mainly in smoke shops, but also in some convenience stores and truck stops.

Perhaps more alarming, NBC 5 Investigates found these tanks for sale on Amazon.com, Walmart.com and eBay, emblazoned with names like Monster Gas, Miami Magic and AmazWhip and flavored with bubblegum, blue raspberry, watermelon and more.

A simple search of "nitrous oxide" or "flavored nitrous" brings up a wide selection of listings that promise overnight delivery to your door. While some of the listings include a legal disclaimer that the tanks are only for culinary use, or not for human consumption, we could find nothing online that prohibited the tanks from being sold to anyone of any age, as long as someone provides payment and a shipping address.

NBC 5 Investigates contacted eBay, Walmart.com and Amazon to ask about the cannisters for sale on their websites.

Only Amazon responded but did not directly address the issue of nitrous oxide: "We require all products offered in our store to comply with applicable laws, regulations and Amazon policies," a spokesperson wrote in a statement. "We ensure our selection meets industry-accepted standards, and we take action to maintain a safe selection for our customers, including removing noncompliant products, and outreach to sellers, manufacturers, and government agencies for additional information, when appropriate."

NBC 5 Investigates has also found numbers that seem to indicate that N₂O abuse is on a sharp rise here in Illinois. According to the Illinois Hospital Association, hospitals here contacted poison control about cases involving nitrous oxide poisoning 22 times last year, more than twice as much

as the two previous years, combined. And since 2019, the Cook County Medical Examiner has recorded at least six deaths due to nitrous oxide: all males under the age of 50.

And just recently in Indiana, the state's Alcohol and Tobacco Commission sent a letter to more than 8,000 tobacco shops there, warning them not to sell nitrous oxide "for recreational use."

After his encounter with the smoke shop clerk, Jeff Wold immediately went to his village officials.

"We created an ordinance that the tobacco stores could not sell nitrous oxide," Wold said.

The Manhattan Board of Trustees passed the ordinance in May of 2024. Now, Manhattan appears to be one of just a handful of towns in Illinois that have tried to overcome the loophole in current state law, which simply says people cannot buy or sell nitrous oxide with the intent to inhale it. The new ordinance expressly bans the sale of N2O in smoke shops and similar places.

But Wold did not stop there. "We felt here in Manhattan like, well, it's just easy enough for someone to drive over to another town to a tobacco store there and purchase it. So we reached out to Rep. Anthony DeLuca and told him about it."

Like Wold, DeLuca, a Democrat who represents a wide swath of communities from University Park to the east and Wilmington to the west as part of Illinois' 80th District, had not been aware of the rising abuse of nitrous oxide until Wold contacted him.

"He told me that we have a problem that underage juveniles basically were able to access this nitrous oxide for recreational use pretty easily," Rep. DeLuca said. "I had not heard of it [and] didn't know it was an issue."

But he immediately went to work, and in 2024 he sponsored a bill that would outlaw the sale of nitrous oxide in any establishment where more than half of the establishment's income came from tobacco, alcohol, e-cigarettes or alternative nicotine products to try to get beyond the legal loophole that allows an N2O sale "for culinary purposes."

"[The current law] is not sufficient for the problem that we're facing today," Rep. DeLuca said, "which is younger people having access to it in more of these smoke shop and convenience store types of locations. And I think that's where the challenge is now."

But Rep. DeLuca faces a challenge. He first introduced the bill in 2024 but could not get it heard in a legislative committee, which is the first step to it being considered for law.

In mid-January of 2025, Rep. DeLuca proposed a new bill for the new legislative session – House Bill 63 -- with the same language as the first bill. It would make it a Class 3 felony in Illinois to buy or sell nitrous oxide in smoke shops for recreational purposes. Once again, this bill needs to be assigned to a committee for hearings, and then, if it passes the full committee, it would go to the full House and Senate for consideration.

Rep. DeLuca is not any more sure than before that the bill will make it to a committee hearing, though he hopes it will.

"This legislation.... these issues ... will have a direct impact on improving public safety," he said. "[These issues] deserve a hearing. They deserve a vote, and they should be law."

If it can become law in Illinois, this state would be one of very few at this point that have tried making nitrous oxide truly illegal as a recreational drug.

Louisiana passed such a law after the Baton Rouge woman found her fiance dead, and in the summer of 2024, Michigan made it a misdemeanor to sell nitrous oxide to get high. However, similar efforts in California have stalled, and it is not clear if or when that state will try again to outlaw the recreational use of N2O.

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