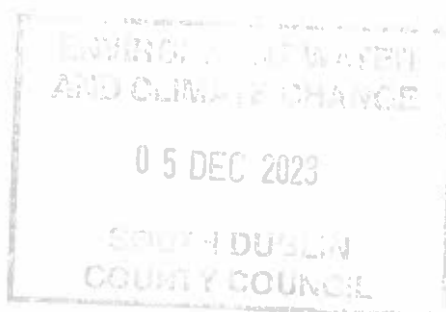




Oifig an Aire | Office of the Minister

Ms. Sharon Conroy
South Dublin City Council
County Hall
Tallaght
Dublin 24



1 December 2023

Minister's Reference: DJE-MO-10137-2023

Dear Ms. Conroy,

Thank you for your correspondence regarding nitrous oxide.

As you may be aware, the Department of Health leads on Government policy in the area of drugs, and this policy is guided by the national drugs and alcohol strategy "Reducing Harm, Supporting Recovery - a health led response to drug and alcohol use in Ireland 2017-2025". This strategy represents a whole-of-Government response to drug and alcohol use in Ireland.

Implementation is led by my colleague, the Minister of State at the Department of Health, Hildegard Naughton, and encompasses actions for all stakeholders, including An Garda Síochána and my Department.

I hope you can also appreciate that the Garda Commissioner is by law responsible for all enforcement operations by An Garda Síochána. As Minister, I have no role in such matters.

Nitrous oxide has various legitimate uses; medical, non-medical and industrial and, because of its legitimate uses, it is not controlled under the Misuse of Drugs Acts or under the International Drug Conventions. Under section 3 of the Criminal Justice (Psychoactive Substances) Act 2010, it is already an offence to sell, import or export a psychoactive substance for human consumption, including nitrous oxide.



The purpose of the Criminal Justice (Psychoactive Substances) Act 2010 includes the prevention of the misuse of dangerous or otherwise harmful psychoactive substances and the provision of offences relating to the sale, importation, exportation or advertisement of those substances. For example, the Act provides that a person who sells, or who imports or exports, a psychoactive substance knowing, or being reckless as to whether, that substance is being acquired or supplied for human consumption, shall be guilty of an offence. This Act does not provide for an offence for personal possession.

You may wish to note that the HSE and An Garda Síochána are aware of the issues surrounding nitrous oxide. The HSE is committed to increasing awareness of the health risks associated with substance misuse, including nitrous oxide, among young people, parents and youth organisations. Similarly, Revenue's Customs Officers are aware of the misuse of nitrous oxide and are closely monitoring importations of the product into the State.

I hope this information is of assistance to you.

Yours sincerely,

Emma McHugh

Private Secretary to the
Minister for Justice

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