L.N. 111 of 2026

PUBLIC HEALTH ACT
(CAP. 465)

Restriction on the Recreational Use of Dinitrogen Oxide Regulations, 2026

IN EXERCISE of the powers conferred by article 26(l)(iii) of the Public Health Act, the Minister responsible for public health, after consulting the Superintendent of Public Health, has made the following regulations:-

Citation and scope.

1. (1) The title of these regulations is the Restriction on the Recreational Use of Dinitrogen Oxide Regulations, 2026.

(2) The scope of these regulations is to restrict the importation, possession, use, distribution, advertisement, storage and sale of dinitrogen oxide beyond its legitimate use:

Provided that these regulations shall not adversely affect the importation, possession, use, distribution, advertisement, storage and sale by traders or by professionals for any legitimate use.

Interpretation.

2. In these regulations, unless the context otherwise requires:

"Act" means the Public Health Act; Cap. 465.

"advertisement" means any form of commercial communication with the aim of directly or indirectly promoting the recreational use of dinitrogen oxide;

"consumer" means a natural or legal person acting principally outside his trade or profession;

"dinitrogen oxide" means any preparation or product containing the chemical dinitrogen oxide, commonly referred to as nitrous oxide and bearing CAS registry number 10024-97-2;

"legitimate use" means the use of dinitrogen oxide for an industrial, medicinal, pharmaceutical, catering purpose or when it is used as an oxidiser in model rocketry and legitimate vehicle racing in accordance with any applicable law;

"recreational use" means the use of dinitrogen oxide outside its legitimate use, and which is, or intends to be, inhaled directly or through a balloon or other device.

Restriction on the import, distribution, sale and consumption.

3. (1) The importation, possession, use, distribution, storage or sale of dinitrogen oxide shall be prohibited:

Provided that the importation, possession, distribution, advertisement, storage, sale and use of dinitrogen oxide by traders or for professional purposes for a legitimate use shall be permitted:

Provided further that the sale or distribution to consumers, or the possession by consumers of products containing dinitrogen oxide shall only be permitted where, from the appearance, presentation or form of the product, it cannot reasonably be inferred that it is intended, or is being used, for the purpose of dinitrogen oxide inhalation:

Provided further that where criminal proceedings are instituted against a trader, retailer, professional or consumer for breach of these regulations, the burden of proof shall lie on the accused to prove that the importation, possession, distribution, storage, sale or use of dinitrogen oxide was not intended for, nor used for, recreational use.

(2) Advertisement of dinitrogen oxide shall only be permitted where it is clear from the manner of presentation that it is not intended to be, nor is it likely to be, used for a recreational use.

Prohibition of recreational use.

4. The recreational use of dinitrogen oxide by any person shall be prohibited, irrespective of age.

Enforcement.

5. (1) For the purposes of compliance and enforcement of these regulations, the Superintendent of Public Health hereby delegates his powers under the Act to the Executive Police pursuant to article 5 of the Act, and in the exercise of such functions, the Executive Police shall be deemed to be authorised officers for the purposes of the Act.

(2) Without prejudice to the generality of sub-regulation (1), such power shall include the power for the Executive Police to institute, *ex officio*, criminal proceedings against any person in accordance with Part V of the Act.

(3) Where a person is found guilty of an offence under these regulations, such person shall be liable to the orders and punishments in accordance with Part V of the Act.

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — *Printed at the Government Printing Press on FSC certified paper*

Prezz/*Price*
€0.18