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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Public Health Service Act to require States to prohibit the sale of certain products containing nitrous oxide as a condition on receipt of block grants for community mental health services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KEAN introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Public Health Service Act to require States to prohibit the sale of certain products containing nitrous oxide as a condition on receipt of block grants for community mental health services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mitigating Abuse of
5 Nitrous-oxide Nationwide And Reducing Inhalation-re-

1 lated Neurological Outcomes Act” or the “MANNARINO
2 Act”.

3 **SEC. 2. PROHIBITION ON SALE OF CERTAIN PRODUCTS**
4 **CONTAINING NITROUS OXIDE.**

5 (a) IN GENERAL.—Subpart II of part B of title XIX
6 of the Public Health Service Act (42 U.S.C. 300x–21 et
7 seq.) is amended by adding at the end the following:

8 **“SEC. 1936. PROHIBITION ON SALE OF CERTAIN PRODUCTS**
9 **CONTAINING NITROUS OXIDE.**

10 “(a) IN GENERAL.—A funding agreement for a grant
11 under section 1921 is that the State involved will have
12 in effect, and implement, a prohibition on the sale of—

13 “(1) any product containing nitrous oxide that
14 is scented or flavored; and

15 “(2) any other product containing nitrous oxide
16 unless exempted pursuant to subsection (b).

17 “(b) EXEMPTIONS.—A State may exempt from the
18 prohibition in subsection (a)(2) a product containing ni-
19 trous oxide that is not scented or flavored if such product
20 is sold for use—

21 “(1) in medical, veterinary, or dental care;

22 “(2) as a propellant for a food product in a
23 commercial kitchen;

24 “(3) in a manufacturing process or industrial
25 operation; or

1 “(4) for an automotive purpose.

2 “(c) NONCOMPLIANCE.—Before making a grant
3 under section 1921 to a State, the Secretary shall deter-
4 mine whether the State is in compliance with subsection
5 (a). If the Secretary determines that the State is not in
6 compliance with such subsection, the Secretary shall re-
7 duce the amount of the allotment under section 1921 for
8 the State for the fiscal year involved by an amount up
9 to 10 percent of the amount determined under section
10 1933 for the State for the applicable fiscal year.”.

11 (b) APPLICABILITY DATE.—Section 1936 of the Pub-
12 lic Health Service Act, as added by subsection (a), applies
13 beginning with the third fiscal year beginning after the
14 date of enactment of this Act.