

SUMMARY OF PROPOSED ORDINANCE

SUMMARY OF A PROPOSED ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING ARTICLE VII TO CHAPTER 14 OF THE SONOMA COUNTY CODE TO RESTRICT THE RETAIL SALES AND DISTRIBUTION OF NITROUS OXIDE, SUBJECT TO LIMITED EXCEPTIONS

Pursuant to Government Code § 25124(b), on August 25th, 2026, the Sonoma County Board of Supervisors will consider the following ordinance for adoption during its regular meeting in the Board of Supervisors Chambers at 575 Administration Dr., Santa Rosa, California 95403: “An Ordinance Of The Board Of Supervisors Of The County Of Sonoma, State Of California, adding Article VII to Chapter 14 of the Sonoma County Code to restrict the retail sales and distribution of nitrous oxide, subject to limited exceptions.”

The proposed ordinance adds Article VII to Chapter 14 of the Sonoma County Code. The Article is summarized as follows:

Article VII, Chapter 14 – Restrictions on Retail Sales and Distribution of Nitrous Oxide.

The proposed Article restricts retail access to Nitrous Oxide products susceptible to recreational inhalation, while preserving lawful and legitimate uses of Nitrous Oxide, including medical, dental, industrial, research, and food production uses. The Article applies to all Persons engaged in Retail Sales within the unincorporated area of Sonoma County, including holders of Tobacco Retailer Licenses under Chapter 32A. This Article applies only within the unincorporated areas of the County unless adopted independently by an incorporated city.

In addition, the ordinance establishes criminal, civil, and administrative enforcement mechanisms; declares violations to be a public nuisance; and makes compliance with this Article a condition of maintaining a Tobacco Retailer License under Chapter 32A. Violations may result in administrative penalties, license suspension or revocation, civil penalties, or misdemeanor prosecution.

The ordinance further establishes a rebuttable presumption of unlawful intent to sell or distribute Nitrous Oxide based on possession of certain quantities of cartridges or cylinders, and identifies factors for determining whether a seller knew or should have known that a product would be used for unlawful recreational inhalation.

The ordinance does not prohibit mere possession of Nitrous Oxide absent evidence of unlawful sale, distribution, or intent to violate the Article.

Environmental Determination.

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense) because it can be seen with certainty that there is no possibility that adoption of this ordinance may have a significant effect on the environment. Bond requirements have not been enforced in the recent past. In addition, the Ordinance is exempt pursuant to CEQA Guidelines Section 15305 (minor alterations in land use limitations) in that no changes to density or land use are being permitted, and all authorized operations will be in already developed retail establishments.

If adopted, the proposed ordinance would become effective on October 15, 2026. A certified copy of the full text of the proposed ordinance is posted and available for review in the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California, during regular business hours, and is also available at the Board of Supervisors' website with the materials for the August 25, 2026 meeting agenda at <https://sonoma-county.legistar.com/Calendar.aspx>.

David Guhin, Clerk of the Board of Supervisors, County
of Sonoma

By: _____
Deputy Clerk