

Nitrous Oxide Retail Sales Ordinance

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Overview

Purpose: To reduce the health and safety harms associated with non-medical inhalation of nitrous oxide by restricting retail access.

Today's Item

- Consider a new County ordinance restricting retail sales and distribution of nitrous oxide
- Includes defined exceptions for legitimate uses

Background

Retail Environment

- Large canisters
- Youth-friendly packaging
- Flavored products

Community Impact

- Impaired driving
- Car crashes
- Health harms
- Hazardous waste

Regulatory Gap

- State law regulates sales and prohibits misuse
- Retail availability remains widespread



Immediate and Cumulative Harms

Immediate risks:

- Oxygen deprivation
- Impaired judgment and coordination
- Loss of consciousness
- Falls, collisions, and other accidental injuries
- Serious injury or death

Risks from repeated use:

- Vitamin B12 depletion
- Nerve and neurological injury (numbness, weakness, or difficulty walking)
- Compulsive use patterns and dependence

Local Data and Reports

Health

- 4 confirmed deaths involving N₂O since 2018 – 2 intentional, 2 unintentional
- Average annual ED visits involving N₂O adverse events **more than doubled**:
4 (2016-2018) → 9 (2022-2024)
- Substance use treatment providers report increasing N₂O use, serious health impacts, and likely underreporting

Public Safety

- N₂O-related calls, arrests, and DUI incidents reported across multiple jurisdictions.

Retail & Community

- Community complaints received by County staff
- Large-capacity and flavored products documented during retail inspections

Community and Partner Outreach

Retailers & Businesses

- Two retailer notices regarding existing state law
- Outreach to tobacco retailers and licensed food facilities
- Engagement with businesses using nitrous oxide for legitimate purposes

Community

- July 8 public information session
 - 30 registrations | 26 attendees | 10 questions/comments addressed
- July 9 presentation at Lower Russian River MAC

Local Partners

- Coordination with all nine cities and towns; **broad support for a coordinated regional approach**
- Monthly Substance Use Disorder Providers Meeting (Aug 12)
- Law enforcement, Environmental Health, waste management, and Behavioral Health

Existing State Law

California law already:

- Prohibits possession or use for the purpose of intoxication
- Prohibits furnishing nitrous oxide to people under age 18
- Regulates certain sales and transaction records
- Preserves legitimate medical, dental, food-related, and other lawful uses

Existing law has not prevented continued retail availability of products associated with non-medical inhalation.

Establishing a Clear Local Standard

Unless a defined exception applies, the ordinance prohibits retail sale or distribution of:

- Nitrous oxide
- Devices containing nitrous oxide
- Devices designed to dispense or administer nitrous oxide

The proposed ordinance reinforces state law restrictions, while providing local enforcement mechanisms through:

- Revocation of Tobacco Retail License
- Administrative Remedies
- Public Nuisance

Legitimate Uses Remain Allowed

- Food products containing N₂O as a propellant or preservative
- Food-grade N₂O cartridges used solely for food/beverage preparation
- Wholesale/commercial operations
- Vehicle performance
- Medical and dental care
- Pharmacies and authorized pharmacy wholesalers
- Research and development
- Other uses exempted under state or federal law

Nitrogen and liquid nitrogen (N₂) are not covered by this ordinance

Enforcement: Education, Clear Expectations, and Coordination

Implementation

- Direct retailer education and compliance assistance
- Expanded Community Health Worker capacity
- FAQs and product-specific guidance
- Support for questions about exceptions and documentation
- Coordination with cities and affected businesses

Enforcement

- Tobacco Retail License process, where applicable
- Administrative and civil remedies
- Public nuisance and criminal enforcement, when warranted

Effective 30 days after adoption



Staff Recommends Board Approval

The proposed ordinance:

- Responds to local public health and safety concerns
- Establishes a clear retail standard
- Preserves legitimate uses
- Builds on extensive education and community engagement
- Provides tools for consistent implementation and enforcement