



**Proposed Framework to Regulate Sales
of Nitrous Oxide for Recreational Purposes
September 2, 2026**

Why Regulate Nitrous Oxide (N₂O) Sales?

- Nitrous oxide is commonly called 'laughing gas', 'noz', or by brand names like 'whip its' or 'galaxy gas'
- Social media and market availability has changed recreational use patterns toward 'marathon sessions' or binge use of N₂O from large canisters
- Recreational use of N₂O has serious health impacts, including vitamin B deficiency, nerve damage, paralysis, psychosis, and injuries from falls and vehicle accidents
- Because of this changing use pattern and serious health impacts, use of N₂O is now public health threat locally
- Sales of N₂O for recreational purposes is already illegal yet has been difficult to enforce, PC 381b-e



Intent of the Proposed Regulations

- Reduce local retail access by prohibiting the sale or distribution of nitrous oxide (N₂O) for recreational purposes while allowing legitimate sales.
- Establish local enforcement authority and penalties.
- Establish that illegal N₂O sales pose a public health and safety risk and constitutes a public nuisance.



Legitimate Sales Will NOT be Regulated

- **What are Legitimate Sales?**
 - For manufacturing or industrial operations;
 - For vehicle performance enhancement;
 - For the treatment of patients by a licensed medical, veterinary, or dental practitioner;
 - As a propellant in food, such as cans of whipped cream, or to be used in food preparation and contains 8 grams or less of N₂O; and
 - By a wholesaler for the above purposes.



What would be Regulated?

- **Sales of N₂O that is intended for recreational use = regulated**
- **Factors that suggest sales are for recreational purposes?**
 - Selling from tobacco/vape retail businesses, cannabis retail businesses and adult stores.
 - Large canisters (over 8 grams);
 - Flavored nitrous oxide products (e.g., strawberry, tropical punch, vanilla cupcake);
 - Colorful, novelty, or youth-appealing packaging, which may appeal to recreational users;



What would be Regulated?

- **Factors that suggest sales are for recreational purposes, continued?**
 - Brand names or labeling that suggest recreational inhalation, such as: Baking Bad, Cloud Nine, etc;
 - Terms or marketing on the label that imply the product is intended to be inhaled; and
 - Displaying nitrous oxide alongside balloons, “cracker” devices, or other inhalation accessories



Enforcement Approach

- Education first
- Progressive enforcement
- Leverage existing enforcement mechanisms
- Minimize burden on legitimate businesses – no special retail license required



Proposed Penalties

- **Administrative penalties may include (within 5-yr periods)**
 - 1st violation: \$1,000
 - 2nd violation: \$1,000 fine and 30-day license suspension
 - 3rd violation: \$1,000 fine and license revocation
- **Civil penalties may include:**
 - Institute an injunction, i.e. a court order to stop an action
 - Require abatement, i.e. clean up of illegal products
 - Cost recovery
 - A fine of \$1,000
- **Criminal penalties** include misdemeanor citation, punishable with \$1,000 fine and/or 6 months in jail



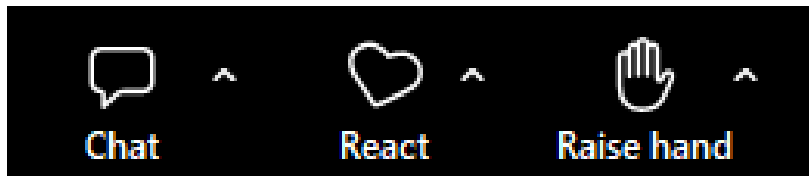
Next Steps

- Please submit all questions, suggestions, comments using the link by Sept 8th
- We will compile all input and review for inclusion/revision in proposed framework
- Once framework is agreed, then develop the proposed ordinance
- Introduce the proposed ordinance at – tentatively – the Oct 20th Board of Supervisors meeting



How to raise your hand on Zoom:

On a computer

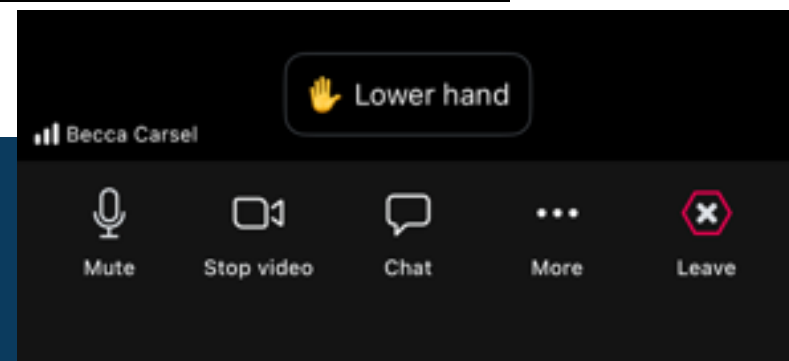
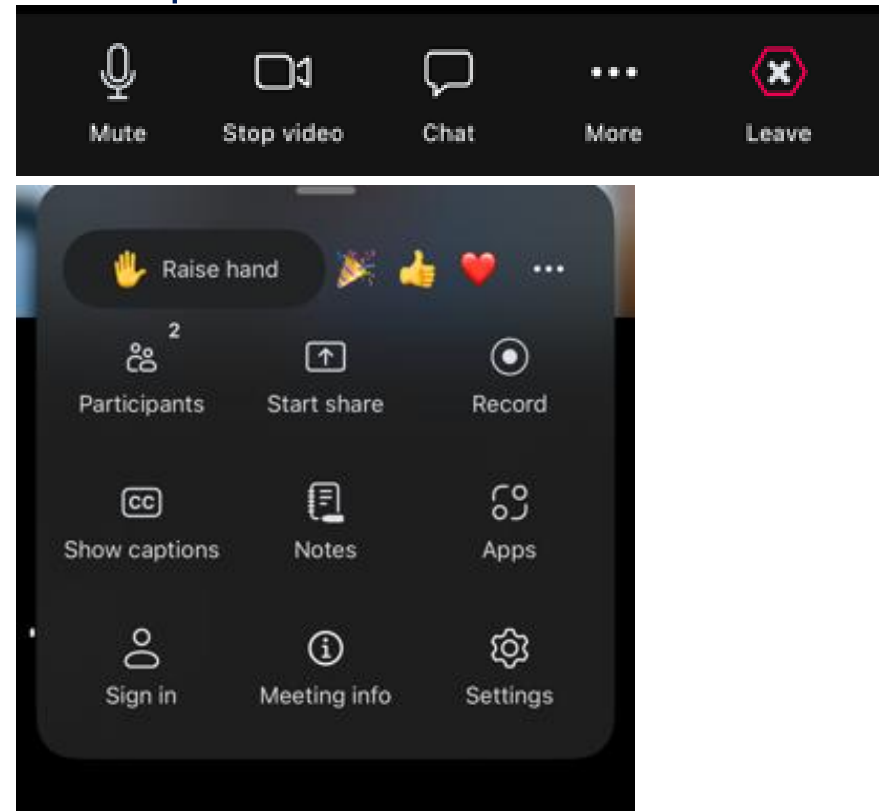


Submit written questions
and comments:

tinyurl.com/bdcpdjh9



On a phone



COUNTY OF SAN LUIS OBISPO