FILE NO. 260495

REVISED LEGISLATIVE DIGEST

(Amended in Committee, July 22, 2026)

[Police Code - Prohibiting the Retail Sale of Nitrous Oxide]

Ordinance amending the Police Code to prohibit the retail sale of nitrous oxide, with exceptions for medical or dental procedures, research and development, manufacturing or industrial operations, and food-product purposes; make violations of the prohibition an infraction or misdemeanor, subject to imprisonment and or fine; authorize the Director of Public Health to enforce the prohibition; and make violations of the prohibition a public nuisance, subject to administrative fines, civil penalties, and revocation of a tobacco sales permit.

Existing Law

State law prohibits the retail sale of nitrous oxide to minors and the possession of nitrous oxide with the intent to use it for intoxication.

Amendments to Current Law

This ordinance would prohibit the retail sale of nitrous oxide in the City with exceptions for medical or dental procedures, research and development, manufacturing or industrial operations, and food-product purposes, and declare that possession of defined quantities of nitrous oxide shall give rise to a rebuttable presumption that the person intends to sell. This ordinance would prohibit as a sale the display of nitrous oxide, or any devices that contain, dispense, or administer nitrous oxide. This ordinance would make violations of the prohibition an infraction or misdemeanor, which upon conviction could result in imprisonment or fines, or both. This ordinance would further authorize the Director of Public Health to enforce the prohibition; and make violations of the prohibition a public nuisance, and subject to administrative fines, civil penalties, and revocation of a tobacco sales permit.

Background

On July 22, 2026, the Budget & Finance Committee amended the proposed ordinance to provide that the definition of sale includes the display of nitrous oxide, or any devices that contain, dispense, or administer nitrous oxide.

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