



Ordinance Prohibiting the Sale and Distribution of Nitrous Oxide

April 21, 2026



Why are we here?

Today, Alameda retail stores are **openly marketing and selling** nitrous oxide -- often referred to as laughing gas, NOX, Whip-its, or Galaxy Gas -- to our community members.

These products are dangerously misused due to their low cost and ready availability at tobacco retailers and convenience stores.



Growing health & safety threat

- Medical authorities report nitrous oxide, when misused, as a cause of serious health problems, asphyxiation, paralysis, and death.
- In November 2025, Alameda police officers arrested a driver for DUI after observing the individual inhaling nitrous while driving.
- In the past 6 months, Alameda code enforcement officers have issued citations to more than a dozen tobacco retail businesses for selling illegal products.



What other actions can we take?

The City is currently supporting SB 936 and SB 758, proposed State legislation to ban the sale of nitrous oxide products.

If passed as drafted, these bills would go into effect January 1, 2027.



How does the City's ordinance work?

The proposed ordinance establishes a clear legal framework for prohibiting the sale or distribution of nitrous oxide and "nitrous oxide devices" (cartridges, balloons, and nozzles) by retailers.

If adopted, the City's ban will go into place June 4, 2026.



What about legal uses?

The ban on nitrous oxide does not apply when:

- Contained in a food product
- Provided in a wholesale capacity
- Designed, marketed, and safety-labeled for automotive purposes
- Used at a licensed automotive facility
- Used to provide medical or dental care
- Provided by a pharmacist



How will the City implement the ordinance?

After adoption, the City will include nitrous oxide products in our **existing** flavored tobacco education and enforcement efforts.

Under Section 6-60.210, violations are declared a public nuisance. Enhanced enforcement will allow for consistent product seizures and the pursuit of misdemeanor charges or tobacco retail license revocations (Section 6-60.220) for repeat offenders.

