



Ordinance No. 4342

Prohibiting the Sale or Distribution of
Nitrous Oxide

October 21, 2025

Prohibit the Sale or Distribution of Nitrous Oxide

- October 7, 2025 - Councilmember Item (Van Der Mark, Twining and Kennedy) proposes prohibiting the sale or distribution of Nitrous Oxide within Huntington Beach
- Nitrous Oxide
 - Widely Available as “Culinary Use”
 - Virtually no Point-of-Sale restrictions
 - Short Term Effects
 - Nausea, blackouts, impaired motor control, disorientation
 - Long Term Effects
 - Nerve damage, paralysis, cognitive impairment, death
 - Huntington Beach Impact
 - 400% increase in Nitrous Oxide related arrests since 2023



Prohibit the Sale and Distribution of Nitrous Oxide

- Sale or Distribution Prohibited
 - Neighboring Jurisdictions—Santa Ana, Costa Mesa, Newport Beach, and the County of Orange all have adopted ordinances
 - Penal Code 381(b) prohibits possession of Nitrous Oxide for intoxication
 - Culinary loophole allows it to be sold as “Whipped Cream Charger”
 - Packaged and marketed to children
 - Flavored as bubblegum and orange creamsicle—Chefs do not use
- Ordinance No. 4342
 - Prohibit the *sale or distribution* to any person Nitrous Oxide or a device to dispense Nitrous Oxide
 - Exceptions: Wholesale sale for commercial use in food preparation, use in medical or dentistry settings, use in a vehicle to enhance performance of the vehicle, or being sold by a licensed pharmacist



Recommended Action

Introduce Ordinance No. 4342 for first reading, “An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding New Chapter 9.94 Thereof Prohibiting the Sale or Distribution of Nitrous Oxide,” and pass to a second reading on November 4, 2025.



Questions?

