



CITY OF HUNTINGTON BEACH

City Council Meeting – Council Member Items Report

To: City Council

From: Council Woman Gracey Van Der Mark
Councilman Butch Twining
Councilman Don Kennedy

Date: October 7, 2025

Subject: **Ordinance for the Prohibition of Sale or Distribution of Nitrous Oxide in Huntington Beach**

ISSUE STATEMENT

Nitrous oxide, commonly known as “laughing gas” or “whippets,” has become a growing public health and safety concern in Huntington Beach and throughout Orange County. Although nitrous oxide has legitimate medical and commercial applications, it is increasingly being misused as a recreational inhalant, creating challenges that require regulatory action beyond current state law.

Sold widely under the guise of “whipped cream chargers” or “culinary use,” nitrous oxide is inexpensive, packaged in colorful and youth-oriented designs, and readily available in smoke shops, convenience stores, and online. Unlike alcohol or cannabis, there are virtually no point-of-sale restrictions, normalizing nitrous oxide as a cheap, easily accessible drug among young people.

The recreational use of nitrous oxide is not harmless. Short-term effects include disorientation, nausea, blackouts, and impaired motor control—creating immediate risks to users and the public, particularly when combined with driving or disruptive behavior. Chronic misuse poses even more serious consequences, including vitamin B depletion, irreversible nerve damage, paralysis, cognitive impairment, and even death.

The Huntington Beach Police Department has reported a sharp increase in nitrous oxide-related arrests, rising from 28 in 2023 to 89 in 2024, with 113 arrests already recorded in 2025. This represents more than a 400% increase since 2023. This upward trend underscores the urgent need for proactive intervention.

While California Penal Code § 381(b) prohibits possession or use of nitrous oxide for intoxication, it does not effectively address sales through the “culinary use” loophole. As a result, retailers continue to profit from recreational distribution while law enforcement is left to prove individual intent, limiting the effectiveness of enforcement.

Neighboring jurisdictions—including Santa Ana, Costa Mesa, Newport Beach, and the County of Orange—have recently acted to close this loophole by adopting ordinances prohibiting the sale, distribution, and recreational use of nitrous oxide. Adopting a similar ordinance in Huntington Beach would safeguard public health, provide law enforcement with a clear and enforceable tool, and reduce community impacts.

A municipal ban on the sale, distribution, and recreational use of nitrous oxide will close existing regulatory gaps, limit youth access, reduce public nuisances, and affirm the City's commitment to proactive public safety.

RECOMMENDED ACTION

Direct the City Manager and City Attorney to draft an ordinance making it unlawful for any person to sell, attempt to sell, offer, distribute, or otherwise provide to any person nitrous oxide, a device to dispense or administer nitrous oxide, or any device that contains any quantity of nitrous oxide. This ordinance should identify exceptions to prohibition.

ENVIRONMENTAL STATUS

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

STRATEGIC PLAN GOAL

Non Applicable - Administrative Item