



COUNTY OF HUMBOLDT

For the meeting of: 5/6/2025

File #: 25-601

To: Board of Supervisors

From: DHHS: Public Health

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Introduction of a Comprehensive Nitrous Oxide Ordinance Adding Division 11 to Title V of the County Code

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the attached Ordinance (Comprehensive Nitrous Oxide Ordinance; An Ordinance of the Board of Supervisors of the County of Humboldt Adding Division 11 "Sales of Nitrous Oxide," to Title V of the Humboldt County Code Making It Unlawful for Any Person in the County of Humboldt, with Exceptions, to Sell or Attempt to Sell, Offer, Distribute, or Provide Nitrous Oxide to Any Person) and waive the first reading; and
2. Set the Ordinance for adoption on June 3, 2025, to take effect and be in force 30 days from the date of its adoption; and
3. Direct the Clerk of the Board to publish the required pre-adoption summary of the Ordinance to be done at least 5 days prior to the date set for adoption; and
4. Direct the Clerk of the Board within 15 days after the adoption of the Ordinance, to publish a post-adoption summary of the Ordinance with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities

Strategic Plan Category: 1006 - Implement Live Well Humboldt - Community Health Improvement Plan

DISCUSSION:

Nitrous oxide is a colorless gas that is commonly used as an anesthetic for dental and other medical procedures, as well as being used as a charging agent for whipped cream cannisters. The use of nitrous oxide as an inhalant for recreational drug purposes has become popular and has been linked to serious health problems, which can cause physical and mental illness, injury and in some cases, even death. The Alcohol and Drug Foundation describes that long term adverse consequences from excessive recreational nitrous oxide can include memory loss; low blood pressure; Vitamin B12 depletion; brain and nerve damage; lack of judgement and safety awareness; weakened immune system; depression; psychological dependence; psychosis and dependence or addiction. If a large amount of recreational nitrous oxide is used in one sitting, it can lead to loss of blood pressure and fainting. There is no known beneficial use of recreational nitrous oxide, especially for young people. A recent research study from March 2025 in *The Lancet* showed that youth as young as 14 years old are experiencing sustained neurological damage due to recreational nitrous oxide use.

Nitrous oxide is often sold in cannisters called "whip-its" and can be purchased throughout Humboldt County's retail landscape,

especially at smoke shops. The prevalence of these cannisters in stores and the proximity of those stores to schools and recreational areas allows nitrous oxide to be easily accessible to our youth. According to the 2021-2023 California Healthy Kids Survey Humboldt County Secondary Report, 11% of Grade 7 and Grade 11 students reported already having used inhalants and inhalants were found to be an initiation drug for 5th grade students.

It has long been recognized by many that recreational nitrous oxide use is a significant issue that impacts the health and well-being of our community. Enacting the Ordinance will not unduly burden the legitimate business activities of retailers who sell other products, including tobacco products. It is the intent of the Ordinance to ensure compliance with the business standards and practices of the county, encourage responsible retailing and discourage violations of nitrous oxide-related laws, especially those which prohibit or discourage the sale or distribution of nitrous oxide.

SOURCE OF FUNDING:

Public Health Fund (1175)

FINANCIAL IMPACT:

Narrative Explanation of Financial Impact:

There is no anticipated financial impact on the fiscal year (FY) 2025-26 or future FY revenue or expenditure budgets, including fee schedules, as this ordinance does not introduce new fines, fees or funding allocations. The primary objective is to prohibit the sale and distribution of Nitrous Oxide.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:

Enforcement of any code violations may involve staff from either or both the Sheriff and Planning and Building Departments, however, it is anticipated that the staffing impacts related to the ordinance would be minimal.

OTHER AGENCY INVOLVEMENT:

N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board may choose not to pursue the adoption of the Comprehensive Nitrous Oxide Ordinance, however, this is not recommended as the Department of Health and Human Services - Public Health anticipates this would result in the community, particularly youth, continuing to access nitrous oxide in the retail environment and a projected increase in related morbidity and mortality rates.

ATTACHMENTS:

1. County of Humboldt Comprehensive Nitrous Oxide Ordinance
2. Pre-Adoption Summary
3. Post Adoption Summary

PREVIOUS ACTION/REFERRAL:

Meeting of: 1/9/2024, 6/4/2024

File No.: 24-5, 24-864