



# COUNTY OF HUMBOLDT

For the meeting of: 6/3/2025

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File #: 25-714

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**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Consent

**Vote Requirement:** Majority

**SUBJECT:**

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

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt 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) to take effect and be in force 30 days from the date of its adoption; and
2. Direct the Clerk of the Board to publish, within fifteen (15) days after the adoption of the Ordinance, a post-adoption summary of the Ordinance, and to post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of 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, commonly used in medical procedures and food preparation, has gained popularity as a recreational inhalant, posing serious health risks such as neurological damage, addiction, and even fatal outcomes. Research published in The Lancet (March 2025) highlights sustained neurological harm in youth as young as 14.

Sold in canisters known as "whip-its," nitrous oxide is widely available across Humboldt County, particularly in smoke shops near schools and recreational areas, making access easy for young people. According to the 2021-2023 California Healthy Kids Survey, 11% of local 7th and 11th graders have used inhalants, with 5th graders identifying them as an initiation drug.

Recognizing the public health concerns, the Department of Health and Human Services (DHHS) - Public Health Branch brought a resolution to the Board of Supervisors on January 9, 2024, identifying nitrous oxide as a critical local issue and initiating research into its harmful effects.

On May 6, 2025, DHHS - Public Health Branch introduced the Comprehensive Nitrous Oxide Ordinance, making it unlawful, with certain exceptions, to sell, offer, distribute, or provide nitrous oxide in Humboldt County.

Today, DHHS - Public Health Branch returns to the Board of Supervisors seeking approval for the Ordinance's adoption, reinforcing efforts to regulate nitrous oxide sales while maintaining responsible business practices and protecting community health.

**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 of 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 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 Branch 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. Post-Adoption Summary

**PREVIOUS ACTION/REFERRAL:**

Meeting of: 1/9/2024, 6/4/2024, 5/6/2025

File No.: 24-5, 24-864, 25-601