

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2076 (Lowenthal) – As Amended April 9, 2026

Policy Committee:	Privacy and Consumer Protection	Vote:	12 - 2
	Judiciary		11 - 0

Urgency: No                      State Mandated Local Program: No                      Reimbursable: No

**SUMMARY:**

This bill adds nitrous oxide to the list of highly dangerous products that are illegal to sell to minors under Parent’s Accountability and Child Protection Act (PACPA) and modifies the existing civil penalty structure for businesses that violate PACPA.

Specifically, this bill:

- a) Makes the civil penalty \$7,500 instead of *up to* \$7,500.
- b) Grants courts discretion to increase the civil penalty to up to \$250,000 if the defendant’s revenues in the prior year were over \$25,000,000 and the court finds that increasing the penalty is necessary to deter future violations.
- c) Authorizes public prosecutors to seek injunctive relief and attorney’s fees

**FISCAL EFFECT:**

- 1) Unknown but likely minor costs to the Department of Justice (General Fund) to the extent the bill’s enhanced penalty and fee-recovery provisions lead public prosecutors to bring enforcement actions under PACPA. Under existing law, PACPA is enforceable only by public prosecutors, and no data is publicly available on the number of enforcement actions brought under the act since it took effect in 2020. The sponsor contends that the current \$7,500 maximum penalty is insufficient to incentivize public prosecutors to divert resources to PACPA enforcement. By making the \$7,500 penalty mandatory, authorizing penalties up to \$250,000 for larger businesses, and allowing recovery of attorney’s fees and costs, the bill is designed to make PACPA enforcement self-sustaining for public prosecutors. To the extent the bill succeeds in generating enforcement activity, any costs to DOJ would likely be offset by penalty revenue and fee recovery.
- 2) Cost pressures (Trial Court Trust Fund) of an unknown but potentially significant amount to the courts, possibly in the hundreds of thousands of dollars annually. This bill expressly authorizes public prosecutors to bring civil enforcement actions pertaining to the sale of nitrous oxide to minors. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to

the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

#### COMMENTS:

- 1) **Purpose.** According to the author, young people represent a disproportionate share of recreational nitrous oxide users, drawn in by its low cost and easy availability. Repeated recreational use carries severe consequences, including nerve damage, paralysis, loss of consciousness, and in some cases, death. Yet nothing in current law requires online sellers to verify a buyer's age before the product is delivered. This bill closes that gap by adding nitrous oxide to PACPA's strict age-verification requirements and strengthens enforcement by increasing penalties for sellers who fail to comply.
- 2) **Background.** Nitrous oxide — commonly known as “laughing gas” or “whippets” — is a colorless gas with legitimate medical, dental, and culinary uses. It is legally available as a propellant in whipped cream dispensers and is used as an anesthetic in clinical settings. However, recreational misuse of the substance has escalated sharply in recent years, particularly among young people. Users typically puncture small metal canisters, release the gas into a balloon, and inhale it for a brief euphoric high.

California has regulated nitrous oxide for decades. Possession of nitrous oxide for intoxication has been illegal since 1989, and selling or furnishing it to a minor has been a misdemeanor since 2009 (Penal Code Section 381c). In 2014, AB 1735 (Hall), Chapter 747, required sellers to record transactions, obtain government-issued identification from purchasers, and provide written warnings about the dangers of recreational use (Penal Code Section 381e).

PACPA, enacted in 2018, provides a civil enforcement framework requiring sellers of products that are illegal to sell to minors to take affirmative steps to verify purchaser age, with enforcement through civil penalties brought by public prosecutors. Nitrous oxide is not currently listed under PACPA. While PC 381c makes it a crime to sell nitrous oxide to a minor, it does not require sellers to take proactive age-verification steps before the sale occurs. This bill would close that gap by adding nitrous oxide to PACPA's list of highly dangerous products.

- 3) **Related Legislation.** SB 758 (Umberg) bans the sale of nitrous oxide by tobacco retailers. That bill is pending in the Assembly.

AB 1107 (Flora, 2025) ties nitrous oxide distribution violations to business license suspension under the Cigarette and Tobacco Products Licensing Act. That bill was held on this committee's suspense file.

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