
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2076 (Lowenthal) - The Parent's Accountability and Child Protection Act: online marketplaces: nitrous oxide

Version: June 4, 2026

Policy Vote: JUD. 11 - 0, P., D.T., & C.P.
9 - 0

Urgency: No

Mandate: No

Hearing Date: August 3, 2026

Consultant: Bob Franzoia

Bill Summary: AB 2076 would include in the Parent's Accountability and Child Protection Act a prohibition on the use of gift cards or store credit to purchase covered products, including nitrous oxide. The bill would increase civil penalties and permit the awarding of injunctive relief and reasonable attorney fees and costs to a prevailing party.

Fiscal Impact: Minor to moderate cost pressures annually to adjudicate civil offenses by expressly authorizing public prosecutors to bring 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. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Proposed Law: The bill would prohibit an online seller from allowing a purchaser to use a gift card or store credit for specified products or services that are illegal to sell to a minor. The bill would increase the amount of the civil penalty that may be imposed upon a person or business that violates these provisions to \$7,500 for each violation, and would also authorize a court to exercise its discretion to increase the civil penalty imposed upon a business if it had annual gross revenues in excess of \$25,000,000 in the preceding calendar year, to an amount not exceeding \$250,000 per violation if it finds that doing so is necessary to deter future violations. The bill would specify that a public prosecutor that brings an action for violation of these provisions may also seek injunctive relief and attorney's fees and costs.

Related Legislation: SB 758 (Umberg) would ban the sale of nitrous oxide by tobacco retailers. That bill is pending in the Assembly Appropriations Committee.

SB 936 (Blakespear) would prohibit the sale and distribution of a nitrous oxide container that can hold more than eight grams of nitrous oxide or from which a person may directly inhale nitrous oxide. That bill is pending in the Assembly Appropriations Committee.