

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 758 (Umberg) – As Amended June 24, 2026

Policy Committee:	Business and Professions	Vote:	19 - 0
	Public Safety		9 - 0

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

SUMMARY:

This bill prohibits a cigarette and tobacco retailer from selling nitrous oxide.

Specifically, this bill:

- 1) Makes it a misdemeanor for a licensed cigarette and tobacco products retailer, including a convenience store, to sell nitrous oxide at a retail location, unless that retailer is a grocery store or a general retail merchandise store with a grocery department, as defined.
- 2) Authorizes a city, county, or city and county to adopt an ordinance with greater restrictions on the retail sale of nitrous oxide than those imposed in item 1, above, provided the ordinance does not restrict legitimate uses of nitrous oxide.

FISCAL EFFECT:

The California Department of Tax and Fee Administration (CDTFA) estimates costs of \$159,000 in 2026-27 and \$2,000 in 2027-28 and ongoing for implementation activities, including providing notifications, answering taxpayer inquiries, issuing and processing misdemeanor citations, and license suspensions or revocations after convictions, and handling appeals. (Cigarette and Tobacco Products Compliance Fund). CDTFA states it cannot estimate effects on revenues from lost license fees, court-ordered fines, or losses in sales and use taxes.

COMMENTS:

- 1) **Purpose.** This bill is sponsored by California Narcotic Officers' Association, League of California Cities, and Rural County Representatives of California. According to the author:

[This bill] aims to address growing public health concerns by regulating a drug that is readily available at gas stations, liquor stores, and tobacco shops. Nitrous oxide has legitimate purposes in medicine, dental, and food preparation, such as for canned whipped cream. However, it is also inhaled recreationally by some users, causing long-term neurological effects, paralysis, or death. Allowing any retailer to sell nitrous oxide makes the drug dangerously available to recreational users. Cities have already begun passing ordinances to reel in nitrous oxide use, but comprehensive legislation at the state level is needed to ensure the safety of all California residents.

- 2) **Background.** Nitrous oxide, also known as “laughing gas,” has long been used for anesthesia in surgical and dental procedures. Nitrous oxide is also used in aerosol containers to deliver culinary substances such as cooking oil sprays and whipped cream, and in motor racing as a rapid-burning fuel for internal combustion engines. Nitrous oxide is also used as a recreational drug, producing short-lived euphoric and hallucinogenic effects. It is commonly consumed in the form of “whippets”—balloons filled with the gas from small, pressurized canisters designed to be used in whipped cream dispensers. Although nitrous oxide use is often perceived by users as safe or harmless, the U.S. Food and Drug Administration recently warned that “inhaling nitrous oxide can result in a range of symptoms and serious health problems, neurological and nerve damage, spinal cord and brain damage, heart attack, and in some cases, death.”

Under existing law, it is a misdemeanor to sell, furnish, administer, distribute, give away, or offer to sell, furnish, administer, distribute, or give away a device, canister, tank, or receptacle containing nitrous oxide to a person under 18 years of age. It is also a misdemeanor to dispense or distribute nitrous oxide to a person if the dispenser or distributor knows or should know that the person will use the nitrous oxide for the purpose of intoxication, and that person proximately causes great bodily injury or death to themselves or another person. Additionally, any person who dispenses or distributes nitrous oxide must record each transaction in a written or electronic document and must require the purchaser to sign the document, present valid photo identification, and provide their residential address. The document informs the purchaser of the following: inhalation of nitrous oxide outside of a clinical setting may have dangerous health effects; it is a violation of state law to possess nitrous oxide with the intent to breathe, inhale, or ingest it for the purpose of intoxication; and it is a violation of state law to knowingly distribute or dispense nitrous oxide to a person who intends to breathe, inhale, or ingest it for the purpose of intoxication.

- 3) **Related Legislation.** SB 936 (Blakespear and Umberg) restricts the sale of nitrous oxide under the following circumstances: (a) the container has a capacity that exceeds eight grams; (b) a person can directly inhale nitrous oxide from the container; or (c) the nitrous oxide has or is marketed to have a food flavor or scent. SB 936 also provides for enforcement of the above restrictions, including the suspension of a business or tobacco license. SB 936 is pending in this committee.

SB 1314 (Menjivar) prohibits new retailers of cigarettes and tobacco products from being located within 600 feet of a school or day care center and prohibits retailers of cigarettes and tobacco from selling nitrous oxide and related paraphernalia, among other provisions. SB 1314 is pending in this committee.

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