

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 936 (Blakespear) – As Amended July 2, 2026

Policy Committee:	Business and Professions	Vote:	17 - 0
	Public Safety		9 - 0

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

SUMMARY:

This bill restricts the sale of nitrous oxide and provides for enforcement of the restrictions, including fines and the suspension of a business or tobacco license.

Specifically, this bill:

- 1) Prohibits the sale, offer for sale, or distribution of nitrous oxide in a container that has a capacity of more than eight grams or from which a person can directly inhale nitrous oxide.
- 2) Prohibits the sale, offer for sale, or distribution of nitrous oxide that has, or is marketed as having, the taste or smell of any food, as specified.
- 3) Prohibits a person from knowingly selling, offering for sale, or distributing a device that allows an individual to inhale nitrous oxide from the nitrous oxide container or to hold nitrous oxide released from the nitrous oxide container for purposes of inhalation.
- 4) Provides that a violation of the above provisions is an infraction punishable by fines of up to \$500 for the first offense, up to \$1,000 for a second offense, or \$2,000 for a third and subsequent offense.
- 5) Authorizes a court, if a business knowingly violates any of the above prohibitions following a prior conviction for such a violation, to additionally order the suspension, for up to one year, of one or both of the following:
 - a) A business license issued by the state or a local government.
 - b) A California Cigarette and Tobacco Products Retailer's License or a seller's permit issued by the California Department of Tax and Fee Administration (CDTFA).
- 6) Exempts nitrous oxide or nitrous oxide containers that meet specified conditions.

FISCAL EFFECT:

CDTFA estimates costs of \$258,000 in 2026-27 and \$288,000 in 2027-28 and ongoing for administration related to license or permit suspensions, performing inspections to ensure compliance with the court-ordered suspension provisions, issuing civil or criminal citations for violations of the suspension provisions, seizing cigarettes and tobacco products for violations of

the suspension provisions, and revoking the suspended license for violations during suspension (Cigarette and Tobacco Products Compliance Fund).

Cost pressures of an unknown amount to the courts to adjudicate any additional filings. 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 based on workload, an increase in workload could result in delayed court services and pressure on the Trial Court Trust Fund, which put pressure for increased funding from the General Fund.

No costs to the Department of Justice.

COMMENTS:

- 1) **Purpose.** This bill is co-sponsored by Rural County Representatives of California; the National Stewardship Action Council; the County of Orange; and San Diego District Attorney Summer Stephan. According to the author:

[This bill] would prohibit the public sale of nitrous oxide canisters larger than 8 grams, while preserving access for legitimate medical, dental, culinary, and automotive uses. These canisters are increasingly used recreationally by youth and pose serious public safety risks, including impaired driving. [This bill] targets misuse by limiting retail sales to intended purposes, particularly addressing flavored, youth-oriented products marketed for inhalation. [This bill] also does not create new possession crimes or further criminalize Californians who consume nitrous, it simply reduces access for non-legitimate uses. The bill builds on actions already taken in Nebraska, Louisiana, and several California counties, including Humboldt, Orange, San Mateo, and Santa Cruz, to curb the retail sale of nitrous oxide.

- 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 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 typically 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 those using it as safe or harmless, repeated use can cause severe neurologic, cardiovascular, and psychiatric effects, including hallucinations, delusions, organ damage, nerve damage, seizures, coma, and death.

In addition, discarded nitrous oxide canisters present challenges for waste management and recycling companies.

- 3) **Oppose Unless Amended.** The American Civil Liberties Union (ACLU) California Action opposes this bill because “it extends criminal liability to individuals, including those with no relation to a retailer, for the wrongs committed by a business” and requests the bill be amended to directly regulate businesses, as with the state’s approach to flavored tobacco

products, which “imposes civil fines and retail license consequences for businesses that fail to comply with the regulatory framework.” Similarly, California Coalition for Women Prisoners and Californians United for a Responsible Budget also oppose the bill unless amended, for similar reasons.

- 4) **Related Legislation.** 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.

SB 758 (Umberg) prohibits a retailer, except a grocery store or general retail merchandise store with a grocery section, from selling nitrous oxide and authorizes a city or county, or city and county, to impose restrictions on the retail sale of nitrous oxide, as specified. SB 758 is pending in this committee.

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