

ORDINANCE NO. _____

An ordinance adding Section 56.34 to Article 6, Chapter V of the Los Angeles Municipal Code, to prohibit the sale and distribution of nitrous oxide by tobacco and cannabis retailers.

WHEREAS, Nitrous Oxide is an odorless, colorless chemical that can be inhaled for legitimate purposes associated with medical or dental procedures in a clinical setting, and is legitimately used as a propellant in food products;

WHEREAS, Nitrous Oxide is also subject to recreational misuse and abuse, in part, because it is easy to purchase from tobacco and cannabis retailers;

WHEREAS, the incidence of Nitrous Oxide recreational misuse and abuse has been on the rise within the City of Los Angeles (City);

WHEREAS, the recreational misuse and abuse of Nitrous Oxide can cause long-term health effects, including neurological damage, paralysis, and death;

WHEREAS, the City does not currently regulate the sale of Nitrous Oxide by tobacco and cannabis retailers and finds that, in the absence of local regulation, Nitrous Oxide remains subject to significant risk of misuse and abuse through sale to individuals who intend to misuse or abuse the products;

WHEREAS, the City desires to regulate the sale of Nitrous Oxide in order to preserve and protect public health, safety, and welfare of City residents, particularly youth, from the harms of Nitrous Oxide use; and

WHEREAS, the City Council wishes to update Chapter V of the Los Angeles Municipal Code in order to protect and promote public health, safety, and welfare to the extent permitted by law.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Sec. 1. Section 56.34 is added to Article 6, Chapter V of the Los Angeles Municipal Code to read as follows:

SEC. 56.34. SALE AND DISTRIBUTION OF NITROUS OXIDE BY TOBACCO AND CANNABIS RETAILERS PROHIBITED.

(a) Definitions. As used in this section, the following terms have the following definitions, as indicated.

1. **"Device"** means any cartridge, compressed gas cylinder, apparatus, container, balloon, attachment, nozzle, or other object used to contain, dispense, or administer Nitrous Oxide.

2. **"Distribute"** means any transaction where, for any consideration, ownership of Nitrous Oxide is furnished, given away, exchanged, transferred, delivered or supplied, whether or not for monetary gain.

3. **"Cannabis Product"** shall have the same meaning as cannabis and cannabis product as defined in Sections 21.51(a).

4. **"Cannabis Retailer"** means any Person, Proprietor, or retail establishment, whether licensed or unlicensed, who Sells, offers for Sale, or exchanges or offers to exchange a Cannabis Product to consumers for any form of consideration.

5. **"Nitrous Oxide"** means the colorless nonflammable gas (N₂O) which is sometimes used in aerosols and sometimes used as an anesthetic, and which, when inhaled, produces loss of sensibility to pain, often preceded by exhilaration and laughter and often used as an anesthetic in dentistry. Nitrous oxide is oftentimes called "laughing gas" among other names.

6. **"Person"** means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

7. **"Proprietor"** means a Person with ownership or managerial interest in a Cannabis or Tobacco Retailing business. An ownership interest shall be deemed to exist when a person has 10 percent or greater interest in the stock, assets, or income of a Cannabis or Tobacco Retailing business. A managerial interest shall be deemed to exist when a person can, does, has, or shares in the ultimate control over the day-to-day operations of the Cannabis or Tobacco Retailing business.

8. **"Sale"** or **"Sell"** means any transaction where, for any consideration, ownership of Nitrous Oxide is transferred from one Person to another, including, but not limited to, any transfer or title or possession for consideration, exchange, or barter, in any manner or by any means.

9. **"Tobacco Retailer"** shall have the same meaning as defined in Section 46.90(l).

(b) **Sale and Distribution of Nitrous Oxide Prohibited.** It shall be unlawful for any Tobacco Retailer or Cannabis Retailer in the City to Sell, advertise for Sale, offer for Sale, attempt to Sell, Distribute, or otherwise provide to any Person, directly or indirectly, Nitrous Oxide, any Device to dispense or administer Nitrous Oxide, or any

Device that contains any quantity of Nitrous Oxide. The foregoing prohibition shall not apply to the Sale and Distribution of Nitrous Oxide when the Nitrous Oxide is contained entirely in a pre-packaged food product and used solely as a propellant.

(c) Penalty. A violation of this section shall constitute a misdemeanor and upon conviction may be punished by a fine not to exceed \$1,000, or by imprisonment in the county jail not to exceed six months, or by both. The penalties set forth in this section are cumulative to, and in addition to, any other violations of federal, state, or local law.

(d) Severability. Nothing in this section shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law. If any provision of this section, or any application thereof to any person or circumstance, is found to be unconstitutional or otherwise invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this section which can be implemented without the invalid provisions and, to this end, the provisions of this section are declared to be severable. The City Council hereby declares that it would have adopted this section and each provision thereof irrespective of whether any one or more provisions are subsequently found invalid, unconstitutional, or otherwise unenforceable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
LARA BAIRAMIAN
Deputy City Attorney

Date 7/29/2026

File No. _____

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____