
**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: April 16, 2026

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations
Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No.: 26-0002-S17
Assignment No.: 26-03-0207

SUBJECT: SB 1314 (Menjivar)

CLA RECOMMENDATION: Adopt Resolution (McOsker - Padilla) to include in the City's 2025-2026 State Legislative Program SUPPORT for SB 1314 (Menjivar), which would establish additional regulations on smoke shops, including business hours and location restrictions, as well as prohibit a smoke shop from possessing, storing, owning, or selling nitrous oxide or paraphernalia relating to the consumption of nitrous oxide.

SUMMARY

On March 10, 2026, a Resolution (McOsker – Padilla) was introduced in support of SB 1314, which would establish additional regulations on smoke shops as well as prohibit smoke shops from possessing, storing, owning or selling nitrous oxide or paraphernalia related to the consumption of nitrous oxide. The Resolution states that under current law, tobacco smoke shops are subject to a number of regulations, in an effort to reduce the availability of tobacco and paraphernalia to individuals under the age of 21, but despite current regulations, there currently exists no state-wide regulation on the location or hours of these businesses.

The Resolution further states that, a number of smoke shops sell nitrous oxide, also known as “whippets” or “galaxy gas;” the consumption of which can lead to severe health complications, including paralysis, brain and nerve damage, heart irregularities, and in extreme cases, death from hypoxia. The Resolution states that SB 1314 would strengthen regulations on smoke shops, and prohibit these businesses from possessing, storing, owning, or selling nitrous oxide or paraphernalia related to the consumption of nitrous oxide. The Resolution, therefore, seeks an official position of the City of Los Angeles to support SB 1314.

BACKGROUND

Under current law, the California Department of Public Health (CDPH) administers the Stop Tobacco Access to Kids Enforcement Act (STAKE Act) to reduce the availability of tobacco to those under 21 years of age. Under this law, the CDPH, Attorney General and local law enforcement agencies can assess civil penalties against any person, firm or corporation that sells, gives, or in any way furnishes a tobacco product to a person who is under 21. Fines can range from \$1,000 to \$10,000, depending on the number of violations within a five-year period. In addition, current law requires manufacturers, distributors, wholesalers, importers and retailers of cigarette or tobacco products in California to be licensed by the State.

SB 1314 would enact the Youth Over Smoke Act, limiting the location and operation of smoke shops. Specifically, SB 1314 adds a section to the STAKE Act effective July 1, 2027, to:

- Prohibit a smoke shop from being located within a 600-foot radius of a school or day care center that is in existence at the time the state issues the smoke shop’s tobacco retailer license, unless the local jurisdiction specifies a radius greater than 600 feet.
- Restrict the hours of operation of a smoke shop to between 6 am to 10 pm.
- Bar a smoke shop from possessing, storing, owning or selling nitrous oxide, including products derived from nitrous oxide, or paraphernalia related to the consumption of nitrous oxide.
- Permits CDPH or California Department of Tax and Fee Administration (CDTFA) to establish regulations and requirements for the operation of smoke shops. However, a local standard that imposes more restrictive requirements on the operation of smoke shops shall control in the event of any inconsistency.

SB 1314 directs a STAKE Act enforcement agency to assess penalties that apply to current violations of the bill’s restrictions on smoke shops upon notice to the person, firm, or corporation in violation of the bill. The measure then requires CDTFA to issue civil penalties under the STAKE Act that apply upon a third, fourth, or fifth violation, and suspend or revoke the tobacco retailer’s license.

Of note, this bill would prohibit smoke shops from selling or possessing nitrous oxide or related paraphernalia. Under current law, it is a misdemeanor to possess nitrous oxide with the intent to ingest, for the purposes of intoxication, to be under the influence of nitrous oxide except as a result of a legitimate medical or dental use, or to provide it to a minor for a non-medical or dental purpose. It is also a misdemeanor for any person to dispense or distribute nitrous oxide to a person if it is known or should have been known that it will be ingested or inhaled by the person for the purposes of causing intoxication, and that person proximately causes great bodily harm to themselves or any other person.

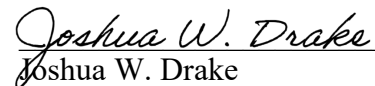
However, these products remain readily available at a number of businesses throughout the State, and in 2024, 156 minors died from nitrous oxide use. The prohibition on a smoke shop possessing, storing, owning or selling nitrous oxide, or paraphernalia related to the consumption of nitrous oxide would reduce access to these products in the State.

DEPARTMENTS NOTIFIED

Office of the City Attorney

BILL STATUS

02/20/2026	Introduced
03/04/2026	Referred to the Committees on Revenue & Taxation and Health
04/06/2026	From Committee with author’s amendments. Read second time and amended. Re-referred to the Committee on Revenue & Taxation
04/08/2026	From Committee: Do pass and re-refer to the Committee on Health (4-0)


Joshua W. Drake
Analyst

Attachments: 1. Resolution

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, under current law, tobacco smoke shops are subject to a number of regulations, in an effort to reduce the availability of tobacco and paraphernalia to individuals under the age of 21; and

WHEREAS, despite current regulations, there currently exists no state-wide regulation on the location or hours of these businesses; and

WHEREAS, in addition to tobacco products, a number of smoke shops sell nitrous oxide, also known as “whippets” or “galaxy gas;” and

WHEREAS, inhaling nitrous oxide can lead to severe health complications, including paralysis, brain and nerve damage, heart irregularities and in extreme cases, death from hypoxia; and

WHEREAS, the sale of nitrous oxide at smoke shops has grown significantly in recent years; and

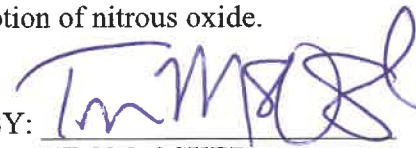
WHEREAS, SB 1314 (Menjivar) would strengthen regulations on smoke shops, including prohibiting them from being located within a 600-foot radius of a school or daycare in existence at the time a retail license is issued, or operating between the hours of 10:00 p.m. and 6:00 a.m.; and

WHEREAS, SB 1314 would also prohibit a smoke shop from possessing, storing, owning, or selling nitrous oxide or paraphernalia relating to the consumption of nitrous oxide; and

WHEREAS, SB 1314 would address growing concerns with nitrous oxide sales in California, and ensure that smoke shops are not located in areas frequented by minors;

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2025 - 2026 State Legislative Program SUPPORT for SB 1314 (Menjivar), which would establish additional regulations on smoke shops, including business hours and location restrictions, as well as prohibit a smoke shop from possessing, storing, owning, or selling nitrous oxide or paraphernalia relating to the consumption of nitrous oxide.

PRESENTED BY:



TIM McOSKER
Councilmember, 15th District

SECONDED BY:



ORIGINAL

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