



ORDINANCE TO REGULATE NITROUS OXIDE (NOS) AND KRATOM

Safety, Wellness and Youth
February 18, 2026

Office of the City Attorney – Public Safety Division

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PROPOSED ORDINANCE

- Add section 9.04.225 (Prohibition on Sale or Distribution of Nitrous Oxide) to Title 9 (Peace, Safety and Morals) of the Riverside Municipal Code.
- Add section 9.04.325 (Regulating the Sale and Distribution of Kratom Products) to Title 9.
- Amend Chapter 6.24 of the RMC by prohibiting Nitrous Oxide and Kratom sales at tobacco retail establishments.
- Amend RMC to prohibit the sale of kratom in the City.



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Tobacco Retailers

- As of January 2026, there are 215 known locations selling tobacco products in the City to include grocery stores, mini marts, smoke shops and gas stations.
- 28 of those are classified as Smoke Shops per RMC. *Smoke shop means a business with sales of tobacco constituting more than 30% of gross sales and/or 30% of net lease area.*
- Between March 2025 and January 2026, the Vice Unit has observed mini marts, gas stations and smoke shops selling kratom and synthetic based kratom products that exceed 2% of 7-OH concentration.
- Smoke shops were observed selling both NOS and kratom products along with illegal sales of psilocybin mushrooms, cannabis/cannabinoid products, and narcotics/narcotics paraphernalia.



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NITROUS OXIDE (NOS)

- "Laughing gas"
- Anesthetic, medical/dental.
- Propellant in whip cream; food service.
- Automotive uses, race cars.
- Abused for short term "high"
- Sold for **illegal** recreational intoxication purposes in smoke shops.

6 Whippet Canister: What It Is and Why It Matters



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NITROUS OXIDE (NOS)



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NOS



- Smoke shop in the City selling flavored NOS.
- Balloons located on top shelf for recreational intoxication.
- NOS inside the canister is extremely cold when released. Breathing in NOS from the can cause severe frostbite and lung injuries. Balloons are used to warm the NOS gas and prevent injuries before ingesting.



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State Regulation of NOS

PC 381b – Illegal to possess, purchase or be under the influence of NOS with intent to inhale it for recreational, intoxicating purposes.

PC 381c – Illegal to furnish, distribute, or give away NOS to someone under 18 years old.

PC 381e – The seller is required to maintain detailed records of each transaction to include buyer name, address, DOB, Government ID, date, time, quantity and purpose of use. A mandatory consumer document warning informing purchasers about NOS dangers and legal restrictions is required to be issued.

*RPD observed zero compliance with these regulations at smoke shops.



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State Regulation of NOS

PC 381d – (a) Misdemeanor to provide NOS to a person the seller knows or should know intends inhale for recreational intoxicating purposes **and** that person proximately causes great bodily injury or death.

(b) This section shall not preclude prosecution under any other law.

Smoke shops continue to violate these laws after warnings and enforcement actions.



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NOS ABUSE IS A GROWING PROBLEM

- NOS is inexpensive and readily available.
- Increase in NOS abuse in the region.
- State law is not deterring abuse.

RPD Arrests

NOS Related	2023	2024	2025
Arrests (PC 381b)	2	22	26
DUI's NOS	1	7	4



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PROPOSED NOS ORDINANCE WILL REDUCE ILLEGAL USE

1. Ban all sales, except for traditional legitimate uses:
 - Medical, dental, pharmacy
 - Wholesale capacity.
 - Food, food preparation.
 - Vehicle performance.
 2. Ban sales from tobacco retailers/smoke shops.
- County of Orange, Fullerton, Santa Ana, Costa Mesa have adopted similar ordinances.



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KRATOM

- Tropical evergreen tree native to Southeast Asia
- Leaves contain 5 alkaloids
- 7-hydroxymitragynine (7-OH) comprises 2% of total alkaloids
- Interacts with receptors in the brain as narcotics like morphine
- Stimulant in low doses increases energy and heart rate
- Sedative in high doses causing relaxation and pain relief
- Not FDA approved for medical use or regulated
- Concentrated / synthesized form is dangerous
- Regular use can lead to addiction, dependence and withdrawal symptoms like opioid withdrawal from heroin, oxycodone, hydrocodone and fentanyl.



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KRATOM RISKS AND SIDE EFFECTS

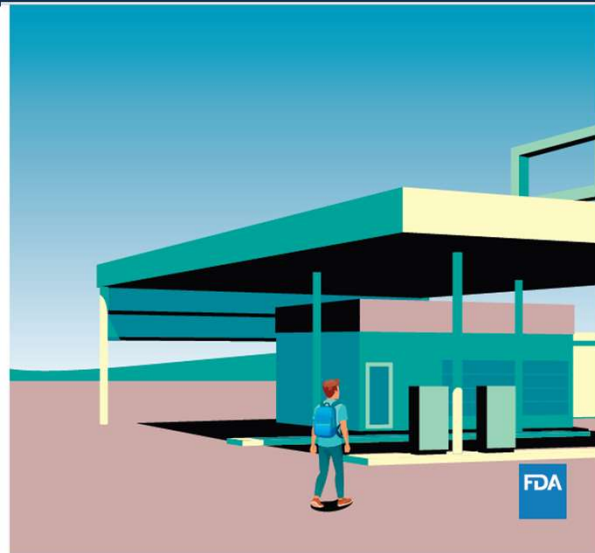
- Nausea
- Constipation
- Dizziness
- Tremor
- Sweating and vomiting.
- Liver toxicity
- Seizures
- Respiratory depression
- Death



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KRATOM

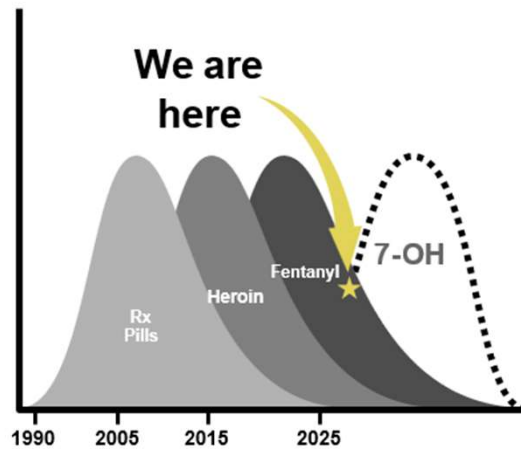
- Preventing The Next Wave of the Opioid Epidemic:
- What You Need to Know About 7-OH



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KRATOM

The Opioid Epidemic is Evolving with 7-OH. We Can and Must Act Now to Prevent a New Wave.



Note: The next potential phase of the opioid crisis may be defined by the emergence of novel synthetic opioids like 7-OH, combined with an increasing prevalence of concurrent use of opioids and other controlled substances.

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KRATOM

7-OH is Engineered to be Addictive. It is a Potent Opioid by Design.



7-OH (formally known as 7-Hydroxymitragynine) is a powerful psychoactive compound that occurs naturally in very small amounts in the Kratom plant.

7-OH products are concentrated derivatives often falsely marketed as Kratom.

Street names include 7-Hydroxy, 7-OHMG and '7'.



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KRATOM



- What began as doctor prescribed painkillers migrated to back-alley dealers when prescriptions dried up.
- Opioids have disturbingly gone mainstream with 7-OH.
- No prescription needed, no dealer required.
- This dangerous opioid is sitting on store shelves, making gas stations, smoke shops and convenience stores.
- Available for online purchase.



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KRATOM ORDINANCE

Riverside County Ordinance No. 1004 (Oct 2025)

- No kratom sales to person under 21 years old
- Prohibits the sale, distribution, or possession of kratom and 7-OH products exceeding 2% 7-OH concentration
- No packaging marketing that are attractive to children
- Prohibits the sale of products containing synthetic or semi-synthetic kratom alkaloids
- Age verification at point of sale

La Quinta (2026), Anaheim (2026), Huntington Beach (2025), Laguna Niguel (2025), and Buena Park (2026) adopted similar ordinances prohibiting the sale and distribution of kratom products exceeding 2% 7-OH concentration.

Cities of San Diego (2016), Oceanside (2016), Stanton (2025) and Newport Beach (2024) banned kratom completely.



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Smoke Shop in Riverside

Kratom, NOS, 7-OH products along with synthetic urine. Balloons on second shelf to ingest NOS.



Picture Taken
January 2026

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Kratom



- Common display of kratom products for sale in Smoke Shops throughout the City.



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KRATOM ENERGY DRINK SOLD AT LOCAL GAS STATION

No identification was requested at the time of purchase.

This product was displayed next to other energy-enhancing beverages.

Cautions listed on the can state not to combine with alcohol or to be used while operating a motor vehicle.

Product lists 18 years or older to purchase and 21 years old where applicable.

Picture taken January 2026



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TOBACCO RETAIL PERMIT

6.24.080 Other requirements and prohibitions.

- A. *Lawful business operation.* In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a permit is issued, it shall be a violation of this chapter for a permit holder, or any of the permit holder's agents or employees, to:
1. Violate any local, state, or federal law applicable to tobacco products, tobacco paraphernalia, or tobacco retailing;
 2. Violate any local, state, or federal law regulating exterior, storefront, window, or door signage.
 3. Engage in the sales of any nitrous oxide or device as defined in RMC section 9.04.225.
 4. Engage in the sales of any kratom or kratom products as defined in RMC section 9.04.235.



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KRATOM & NOS

DISCUSSION



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