

City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: APRIL 7, 2026

FROM: POLICE DEPARTMENT WARDS: ALL

SUBJECT: ORDINANCE AMENDING TITLE 6 AND TITLE 9 OF RIVERSIDE MUNICIPAL CODE BY AMENDING SECTION 6.24.080 REGARDING OTHER REQUIREMENTS AND PROHIBITIONS AND ADDING SECTION 9.04.225 PROHIBITING THE SALE AND DISTRIBUTION OF NITROUS OXIDE

ISSUE:

Introduce and subsequently adopt an ordinance amending Title 6 and Title 9 of the Riverside Municipal Code by amending Section 6.24.080 regarding other requirements and prohibitions and adding section 9.04.225 regarding the prohibition on sale or distribution of Nitrous Oxide in the City of Riverside.

RECOMMENDATION:

That the City Council introduce and subsequently adopt an ordinance amending Title 6 and Title 9 of the Riverside Municipal Code by amending Section 6.24.080 regarding other requirements and prohibitions and adding section 9.04.225 regarding the prohibition on sale or distribution of Nitrous Oxide in the City of Riverside.

COMMITTEE RECOMMENDATIONS:

On February 18, 2026, the Safety, Wellness, and Youth Committee, with Chair Perry, Vice Chair Conder, and Member Mill present, considered an ordinance amending Title 9 of the Riverside Municipal Code. Following discussion, it was moved by Member Mill and seconded by Vice Chair Conder to prohibit the unlawful sale or distribution of Nitrous Oxide in the City and forward the recommendation to the City Council for final consideration. The motion carried unanimously.

BACKGROUND:

The Riverside Police Department (RPD) is the local agency responsible for conducting regulatory compliance enforcement at tobacco retail establishments, including Smoke Shops, in the City of Riverside. The RPD Vice Unit is charged with investigation and enforcement of tobacco sales, and consists of a Sergeant, 6 Detectives and a Community Service Officer.

As of January 27, 2026, there are 215 known locations selling retail tobacco in the City with 28 classified as Smoke Shops defined by RMC.

The Riverside Police Department proposed this ordinance in response to City Council and community concerns about the increasing misuse of nitrous oxide for recreational purposes which poses risks to public health and safety. This ordinance would bring the City on par with other regional jurisdictions (Fullerton, Santa Ana, Costa Mesa, County of Orange) who have adopted similar ordinances and aid in preserving and protecting public health and safety.

Nitrous oxide, commonly known as “laughing gas”, “nox” or “whippets” is a colorless, odorless gas legitimately used in medical, dental, industrial and food production settings. The recreational misuse and abuse of nitrous oxide, due to its intoxicating effects, has surged regionally and within the City of Riverside, driven by affordability and accessibility through retail vendors (smoke shops) who sell the nitrous oxide due to loopholes in existing law.

Short-term Intoxicating effects include disorientation, nausea, blackouts, and impaired motor control, which pose immediate risks to both users and the public, particularly when combined when driving or public disturbances. Medical studies highlight significant health risks associated with the recreational misuse of nitrous oxide. Health risks associated with long-term chronic misuse include vitamin B12 depletion, irreversible nerve damage, paralysis, cognitive impairments and even death.

DISCUSSION:

Between 2024 and 2026, the Riverside Police Department Vice Unit documented widespread unlawful sales and distribution of nitrous oxide (NOS) products at smoke shops throughout the City of Riverside. Investigations revealed systemic non-compliance with California Penal Code §381e, including failures to maintain required sales documentation, obtain purchaser waivers, and restrict sales to lawful culinary purposes.

The scale, frequency, and consistency of violations demonstrate that nitrous oxide is being sold in commercial quantities inconsistent with legitimate foodservice use. These practices present significant and ongoing threats to public health, safety, environmental, and quality of life concern for Riverside neighborhoods.

The Riverside Police Vice Unit identified more than 20 documented enforcement incidents involving over 15 retail smoke shops in the City. Multiple smoke shops were identified as repeat offenders, including several operating under the same ownership or business name. Enforcement activity indicates that nitrous oxide sales are concentrated in specific commercial corridors, most notably along Magnolia Avenue and Van Buren Boulevard. In many cases, retailers continued illegal sales practices despite prior warnings, inspections, or enforcement actions. Riverside Police inspections revealed widespread disregard for these statutory obligations.

Between March 2025 and January 2026, Riverside Police Department documented over 600 large-capacity nitrous oxide tanks and more than 5,700 single use (Whip-Its or whippets) nitrous oxide cartridges during inspections at smoke shops. The majority of these nitrous oxide tanks were flavored as peach, pineapple, strawberry, watermelon and other various flavors used to make the nitrous oxide more appealing for recreational inhalation, masking the metallic taste of the gas. These products are designed to mimic candy, fruit, or dessert flavors to appeal to younger demographics, such as teens and young adults.

Large balloons were also located for sale adjacent to the flavored nitrous oxide tanks and “Whip Its”. Balloons store the gas after it’s released from a pressurized canister which allows for a safer inhale of gas by preventing extreme cold from causing frostbite to the mouth, throat and lungs. Thus, allowing users to hold a larger, manageable volume for a single, slower inhalation session, as direct inhalation from the canister is dangerous. *(Nitrous oxide has an extremely short half-life in the body, generally leaving the system within 5 to 10 minutes after inhalation stops).*

Below are statistics from the Riverside Police Department Traffic Bureau related to arrests for possession of nitrous oxide (PC 381b) and Driving Under the Influence (NOS) offenses.

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

California Penal Code Section 381 regulates the possession and sale of nitrous oxide, including:

- Penal Code Section 381b: Illegal to possess nitrous oxide with the intent to breathe, inhale or ingest the substance to get intoxicated.
- Penal Code Section 381c: Illegal to sell, furnish, administer, distribute or give away nitrous oxide, or offer to do so, to a person under 18 years of age.
- Penal Code Section 381e: requires a person dispensing or distributing nitrous oxide to keep records of each transaction, available for inspection to law enforcement and employees of the California State Board of Pharmacy.
- Penal Code Section 381d: a person who dispenses or distributes nitrous oxide to any person and knows or should know that the person to whom they are dispensing or distributing nitrous oxide intends to breathe, inhale or ingest the substance, is guilty of a misdemeanor if that person causes great bodily injury or death to themselves or another person.

The recreational misuse and abuse of nitrous oxide continue despite existing state law. The City does not currently regulate nitrous oxide sales. In the absence of such regulation, nitrous oxide remains available for misuse through sales to individuals who intend to misuse the product. Local nitrous oxide regulations would preserve and protect public health and safety by dissuading sellers of nitrous oxide products from selling to individuals whom they know, or have reason to know, intend to use the product for illegal purposes.

PROPOSED ORDINANCE:

The proposed ordinance would prohibit any person from selling, attempting to sell, offer, distribute or otherwise provide to any person nitrous oxide, a device to dispense or administer nitrous oxide or any device that contains any quantity of nitrous oxide. The ordinance would not apply in the following exempt circumstances:

- If the nitrous oxide is contained in a food product for use as a propellant
- If the nitrous oxide or device is sold, attempted to be sold, offered or distributed in a wholesale capacity. "Wholesale capacity" means sale of or distribution of nitrous oxide or a device to dispense nitrous oxide to a person that will use nitrous oxide or the device in service or products for resale. Examples include, but not limited to, commercial sale of dentistry supplies to dentists or dentistry offices, commercial

nitrous oxide devices sale for use in food production or in a commercial kitchen and/or commercial sale to produce food products for commercial sale (e.g., whipped cream canisters). This exemption only applies if the wholesaler does not know or have reason to know that the recipient intends to use the nitrous oxide or device in violation of RMC 9.04.225.

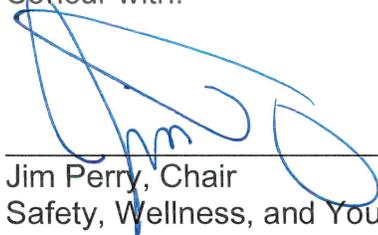
- If the nitrous oxide or device sold, attempted to be sold, offered or distributed is specifically designed to enhance vehicle performance
- If the nitrous oxide sold, attempted to be sold, offered or distributed specifically for providing medical or dental care, by or at the direction and under the supervision of, a medical or dental practitioner licensed by the State of California and in accordance with all applicable rules and regulations
- If the nitrous oxide or device sold, attempted to be sold, offered, distributed or dispensed by a pharmacist, pharmacist intern or pharmacy as defined by California Business and Professions Code Sections 4030, 4036 and 4037, as may be amended, in the course of their duties as a pharmacist or pharmacist intern or wholesalers licensed by the Board of Pharmacy
- Any other circumstances explicitly exempted under law.

Any person who violates this Riverside Municipal Code chapter is guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not more than one thousand dollars or by imprisonment in the County Jail for a period of not more than six months or by both such fine and imprisonment. Each day any violation of any said provision of this chapter shall continue shall constitute a separate offense.

FISCAL IMPACT:

There is no fiscal impact associated with the proposed Ordinance.

Concur with:



Jim Perry, Chair
Safety, Wellness, and Youth Committee

Prepared by: Charles Payne, Deputy Chief
Approved by: Larry V. Gonzalez, Chief of Police
Certified as to
availability of funds: Julie Nemes, Interim Finance Director
Approved by: Mike Futrell, City Manager
Approved as to form: Rebecca McKee-Reimbold, Interim City Attorney

Attachment: Ordinance - Redline