



SENATOR
CATHERINE BLAKESPEAR
SENATE DISTRICT 38



SB 936: Nitrous Oxide

SUMMARY

SB 936 would prohibit the public retail sale of nitrous oxide (laughing gas or N₂O) tanks, with limited exemptions for medical, dental, culinary, and automotive applications.

Nitrous oxide tanks are defined as any size canister or tank larger than the standard 8-gram whipped cream charger.

BACKGROUND

Nitrous oxide (N₂O) is increasingly popular as an illegal recreational drug in California. Canisters of these products are commonly used as recreational party inhalants and present serious public health, safety and waste management challenges.

In 2025, the Food and Drug Administration issued a consumer warning that N₂O has several negative short-term health impacts, including dizziness, impaired brain function, possible asphyxia or death, as well as long-term complications, such as neurological and organ damage. Drug users in recovery have compared the addictiveness of nitrous oxide to that of crack cocaine.

Nitrous oxide has a range of legitimate applications, including culinary use (e.g., whipped cream), medical use (e.g., anesthesia), and automotive engineering and manufacturing (e.g., engine propellant), which has historically contributed to its broad availability in the retail market. However, most legitimate

large-scale users obtain nitrous oxide through authorized, licensed distributors rather than retail outlets.

PROBLEM

Under current law, it is illegal to sell N₂O to minors, regardless of size. However, large tanks labelled for “culinary use” are often marketed towards children with flavors like cherry, bomb pop, vanilla, etc. Additionally, retailers have gone further with names like “Baking Bad” and similar slogans that intentionally blur the line between legitimate culinary use and recreational inhalation.

As a result, the retail sale of nitrous oxide has been banned in the California counties of Orange, San Mateo, Humboldt, and Santa Cruz. In addition, it has been banned in the cities of Santa Ana, Costa Mesa, and Newport Beach, as well as the state of Louisiana and Nebraska.

Nitrous oxide cylinders also present a growing waste management problem for local agencies. While these cylinders typically cost consumers \$30-\$50 to purchase online, they regularly cost local governments \$50-\$75 each to dispose of. Some Household Hazardous Waste (HHW) facilities have reported residents dropping off several large cylinders at a time. This cost burden has been unfairly falling on haulers and counties, which in turn pass the cost to consumers.

SOLUTION

SB 936 would prohibit the public sale of nitrous oxide canisters larger than 8 grams, with exceptions for legitimate usage.

SUPPORT

Rural Counties Representatives of California (Co-Sponsor)
National Stewardship Action Council (Co-Sponsor)
County of Orange (Co-Sponsor)
San Diego County District Attorney, Summer Stephan (Co-Sponsor)
American Nurses Association/California California Association of Alcohol and Drug Program Executives, Inc.
California Cannabis Operators Association
California District Attorney's Association
California Narcotic Officers' Association
California Product Stewardship Council
Californians Against Waste
City of Costa Mesa
City of Escondido
City of Laguna Niguel
City of San Jose
CleanEarth4Kids.Org
County of Humboldt
County of Mendocino
County of Santa Barbara
County of Santa Clara
Del Norte Solid Waste Management Authority
Douglas County Environmental Services
Health Officers Association of California
Facts Families Advocating for Chemical and Toxics Safety
Good Farmers Great Neighbors
League of California Cities
Los Angeles County Sanitation Districts
Merced County Regional Waste Management Authority
Nevada County Climate Action Now
Nug, Inc.
Recology
ReGen Monterey
Republic Services

Resource Recovery Coalition of California
Rethink Waste
Riverside County Sheriff's Office
Sacramento County District Attorney
San Luis Obispo County Integrated Waste Management Authority
Santa Clara County Recycling and Waste Reduction Commission
South San Francisco Scavenger Company
StopWaste
Swana California Chapters Legislative Task Force
The Last Plastic Straw
Town of Apple Valley
Urban Counties of California
Western Placer Waste Management Authority
Wilton Rancheria
Zero Waste Marin Joint Powers Authority
Zero waste Sonoma

STAFF CONTACT

Annika Olsen | Senate Fellow
Office of Senator Catherine Blakespear
Annika.Olsen@sen.ca.gov | 916-651-4038