



## IMPORTANT NOTICE

Date: March 11, 2026

Re: Nitrous Oxide Sales

Dear Retailer,

The County and cities of Sonoma County recently met to share their concerns about unlawful use and sales of nitrous oxide. As a result, we are issuing this notice to retail businesses about the sale and distribution of nitrous oxide products. If your business cannot fully comply with California law, you must immediately stop selling nitrous oxide products. The information below explains when sales are lawful and when they are not.

### What California Law Says (Penal Code §§ 381b–381e)

- It is illegal to possess nitrous oxide with the intent to inhale it for intoxication.
- It is illegal to sell or give nitrous oxide to someone when one could reasonably know they intend to inhale it to get high.
- Sales to anyone under 18 years of age are strictly prohibited.
- Lawful retail sales must follow the legal requirements for:
  - Keeping transaction records
  - Verifying purchaser identification
  - Obtaining the purchaser’s signature
  - Providing written warnings about unlawful inhalation

### Important Considerations for Retailers

Nitrous oxide does have legitimate uses (such as in commercial food preparation), but these products are usually sold business-to-business through wholesalers not directly at retail counters.

Within the retail setting, certain product features or sales practices may indicate that nitrous oxide is being marketed or sold for recreational inhalation, including:

- Large canisters (over 8 grams);
- Flavored nitrous oxide products (e.g., strawberry, tropical punch, vanilla cupcake);
- Colorful, novelty, or youth-appealing packaging, which may appeal to recreational users;
- Brand names or labeling that suggest recreational inhalation, such as those listed by the FDA’s Consumer Advisory: <https://www.fda.gov/food/alerts-advisories-safety-information/fda-advises-consumers-not-inhale-nitrous-oxide-products>;
- Terms or marketing on the label that imply the product is intended to be inhaled, and
- Displaying nitrous oxide alongside balloons, “cracker” devices, or other inhalation accessories.

Any of these factors, especially when combined, can be viewed as evidence that the seller knows (or reasonably should know) that the product will be inhaled unlawfully.

In addition, inhaling nitrous oxide can pose serious health risks, including nerve damage, loss of coordination, vitamin B12 deficiency, and other dangerous or potentially fatal effects. The FDA advises the public not to inhale nitrous oxide products under any circumstances.

### **Enforcement**

Retailers who sell nitrous oxide in violation of California law may face criminal and administrative enforcement. Furthermore, the city of Cloverdale has a local ordinance banning the sale of nitrous oxide that includes its own enforcement measures. The County will be conducting random inspections that include review of nitrous oxide products and sales practices.

### **What You Should Do Now**

Please review your inventory and business practices right away to ensure compliance with state law.

Questions may be directed to [Terese.Voge@sonomacounty.gov](mailto:Terese.Voge@sonomacounty.gov) or 707-565-6680.

Sincerely,



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