



SENATOR  
**CATHERINE BLAKESPEAR**  
SENATE DISTRICT 38



## **SB 936: Nitrous Oxide**

### SUMMARY

This bill would prohibit the public retail sale of nitrous oxide (laughing gas or N<sub>2</sub>O) 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 (N<sub>2</sub>O) is increasingly popular as an illegal recreational drug in California. Better known as “Whippets,” these products are commonly used as recreational party inhalants and present serious public health, safety and waste management challenges.

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In 2025, the Food and Drug Administration issued a consumer warning that N<sub>2</sub>O 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 N<sub>2</sub>O 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. 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

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

### SUPPORT

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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)

California Narcotic Officers' Association

California Product Stewardship Council

Californians Against Waste

County of Humboldt

County of Mendocino

County of Santa Barbara

Del Norte Solid Waste Management Authority

League of California Cities

Los Angeles County Sanitation Districts

Recology

Republic Services

Resource Recovery Coalition of California

Riverside County Sheriff's Office

Urban Counties of California

Western Placer Waste Management Authority

Zero Waste Marin

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