



February 23, 2026

The Honorable Thomas Umberg  
California State Senate  
1021 O Street, Suite 7510  
Sacramento, CA 95814

**RE: SB 758 (Umberg) Public health: nitrous oxide  
City of Irvine – Notice of Support**

Dear Senator Umberg,

On behalf of the City of Irvine, I write to express our support for SB 758 (Umberg) which would prohibit a licensed Cigarette and Tobacco retailer from selling nitrous oxide.

Nitrous oxide (NOX) is an odorless, colorless chemical with established legitimate uses in food preparation and dentistry. However, it is increasingly misused through inhalation for intoxicating purposes. In recent years, numerous California cities have reported an increase in the recreational use of nitrous oxide obtained from smoke shops and other retailers.

Not only is recreational use illegal but it is also extremely dangerous. The U.S. Food & Drug Administration earlier this year warned in their publication titled, "FDA Advises Consumers Not to Inhale Nitrous Oxide Products" that, "Inhaling nitrous oxide can result in a range of symptoms and serious health problems, neurological and nerve damage, spinal cord and brain damage, heart attack, and in some cases, death."

Although current law prohibits the sale of nitrous oxide for recreational intoxicating purposes, significant loopholes in the statutory framework allow these products to be easily diverted into the recreational market. For example, nitrous oxide canisters labeled for food preparation may be repurposed and resold in smaller quantities at various retail locations. To date, at least twenty-five cities have brought forth ordinances focused on restricting the sale of nitrous oxide in retail locations. However, effectively preventing the recreational sale of nitrous oxide will require clear, consistent statewide guidelines.

In recent years, there has been a significant emergence of nitrous oxide products being sold in smoke shops across the State. Due to the lack of regulation and legal loopholes used to sell these products, local officials have faced difficulty in enacting ordinances to ban sales. As with many illicit drug products, nitrous oxide has often found its way into the hands of underage youth; just three years ago, in neighboring Orange, three people, including two juveniles were killed when their car flipped and caught fire. The driver was suspected to be under the influence of nitrous oxide.

For these reasons, the City of Irvine supports SB 758 (Umberg).

Sincerely,

A handwritten signature in black ink that reads "Larry Agran". The signature is written in a cursive style with a prominent underline for the first letter of the first name.

Larry Agran  
Mayor  
City of Irvine

cc: Irvine City Council  
Sean Crumby, City Manager