

County of San Mateo
Board of Supervisors

Ordinance Banning Sale and Distribution of
Nitrous Oxide
(Subject to Limited Exceptions)

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Deputy County Attorney
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COUNTY_{OF} **SAN MATEO**



Overview of Ordinance

- Bans sales, distribution, and attempts to sell Nitrous Oxide and Nitrous Oxide Devices in unincorporated County
- Includes limited exceptions

Prohibition on Sales and Distribution

(Sec. 4.124.030)

- Absent an exception applying, no Person is allowed to:
 - Sell, offer, attempt to sell, distribute, or provide:
 - Nitrous Oxide
 - Any Device containing Nitrous Oxide
 - Any Device used for dispensing or administering Nitrous Oxide

Prohibition on Sales and Distribution

(Sec. 4.124.030)

- Default presumption that possession of a certain quantity of Nitrous Oxide or Nitrous Oxide Devices indicates attempt to sell or distribute
 - Cylinder holding 6+ pounds
 - 200+ 8-gram canisters
 - Any equivalent amount

Exceptions (Sec. 4.124.040)

- Propellant in food products
- Wholesale sales (for use in products or services for re-sale)
- Vehicle performance enhancement
- Medical or dental care
- Pharmacies
- Research and Development
- Any other exempted use under applicable law

Penalties (Secs. 4.124.150–160)

- Public Nuisance
 - Civil, criminal, and administrative penalties
 - Abatement action
- Misdemeanor
 - Up to 6 months in jail and/or \$1,000 fine
- Revocation of County-issued licenses, including Tobacco Retailer Permit
- Civil and administrative penalties

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