



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 25-438

Meeting Date: 9/16/2025

TITLE:

ADOPTION OF AN ORDINANCE ADDING CHAPTER XVI (PROHIBITION ON SALE OR DISTRIBUTION OF NITROUS OXIDE) TO TITLE 11 (OFFENSES-MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH REGULATIONS PROHIBITING THE UNLAWFUL SALE OR DISTRIBUTION OF NITROUS OXIDE IN THE CITY

DEPARTMENT: POLICE DEPARTMENT

PRESENTED BY: JASON CHAMNESS, CAPTAIN

CONTACT INFORMATION: JASON CHAMNESS 714-754-5272

RECOMMENDATION:

Staff recommends the City Council adopt Ordinance No. 2025-xx, adding Chapter XVI (Prohibition on Sale or Distribution of Nitrous Oxide) to Title 11 (Offenses-Miscellaneous) of the Costa Mesa Municipal Code to establish regulations prohibiting the unlawful sale or distribution of nitrous oxide in the City.

BACKGROUND:

The City of Costa Mesa Municipal Code does not currently have an ordinance that would prohibit the sale and distribution of Nitrous Oxide.

On September 2, 2025, a first reading of a proposed ordinance adding Chapter XVI (Prohibition on Sale or Distribution of Nitrous Oxide) to Title 11 (Offenses-Miscellaneous) were presented to City Council. City Council approved moving the ordinance forward by a vote of 7-0 with no amendments.

ANALYSIS:

This ordinance is being presented for final adoption.

The proposed ordinance would add a new Chapter XVI (Prohibition on Sale or Distribution of Nitrous Oxide) to Title 11 (Offenses - Miscellaneous) of the Costa Mesa Municipal Code. The proposed ordinance makes it unlawful for any person to sell, attempt to sell, offer, distribute, or otherwise provide to any person nitrous oxide, a device to dispense or administer Nitrous oxide, or any device that contains any quantity of nitrous oxide. This ordinance does not apply to those exceptions identified in 11-406 (Exceptions to Prohibition).

Costa Mesa needs this ordinance to preserve the safety and well-being of our most vulnerable community members (youth). This ordinance is a preventative measure that targets the root causes of a growing problem, while maintaining legitimate access for medical, industrial, and commercial use.

ALTERNATIVES:

City Council could elect not to pass the proposed ordinance, leaving law enforcement with fewer options to combat the growing trend of the illegal distribution and recreational use of nitrous oxide, absent future changes to State law.

FISCAL REVIEW:

There is no fiscal impact to the City for the approval of the recommended action..

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approved it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the City Council Goal: Strengthen the public's safety and improve the quality of life.

CONCLUSION:

Staff recommends the City Council adopt Ordinance No. 2025-xx, adding Chapter XVI (Prohibition on Sale or Distribution of Nitrous Oxide) to Title 11 (Offenses-Miscellaneous) of the Costa Mesa Municipal Code to establish regulations prohibiting the unlawful sale or distribution of nitrous oxide in the City.