

## **RESOLUTION NO. 2024-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA ADDRESSING THE SALE, DISTRIBUTION, AND USE OF NITROUS OXIDE IN THE CITY OF EUREKA**

WHEREAS, nitrous oxide, also known as laughing gas, is a colorless gas that is commonly used as an anesthetic for dental and other medical procedures, as well as being used as a charging agent for whipped cream canisters; and

WHEREAS, the use of nitrous oxide for recreational drug purposes has become popular and has been linked to serious health problems, which can cause physical and mental illness, injury, and in some cases, even death; and

WHEREAS, nitrous oxide is classified as an inhalant which is a volatile substance that produces chemical vapors that can be inhaled to induce a psychoactive, or mind-altering, effect, according to the National Institute on Drug Abuse; and

WHEREAS, if sufficient amounts are inhaled, nitrous oxide produces anesthesia — a loss of sensation — and can lead to unconsciousness, belligerence, apathy, impaired judgment and impaired functioning in work or social situations and nausea and vomiting; and

WHEREAS, exposure to high doses can cause confusion and delirium and inhalant users may experience dizziness, drowsiness, slurred speech, lethargy, depressed reflexes, general muscle weakness and stupor; and

WHEREAS, nitrous oxide is often sold in canisters called “whippits” and can be purchased at smoke shops; and

WHEREAS, California Penal Code section 381b makes it a misdemeanor, punishable by up to six months in county jail, to possess nitrous oxide with the intent to inhale it to get high; and

WHEREAS, California Penal Code section 381c makes it a misdemeanor to sell or furnish nitrous oxide to a minor; and

WHEREAS, California Penal Code section 381d makes it a misdemeanor for any person to dispense or distribute nitrous oxide for any purpose if it is known or should be known that the nitrous oxide is going to be used for recreational drug purposes and the person then causes great bodily injury or death to themselves or another person; and

WHEREAS, the City Council of the City of Eureka wants to pursue solutions that address the sale of whippets locally as they are easily accessible and are dangerous when inhaled and can negatively impact children and youth; and

WHEREAS, addressing the uncontrolled sales and distribution of nitrous oxide in the City of Eureka will reduce the number of people in possession and use of nitrous oxide as an intoxicating drug and will promote public health, safety and welfare.

WHEREAS, on January 9, 2024, the County of Humboldt passed a resolution advising the Humboldt County Department of Health & Human Services – Public Health to address the illicit sale, distribution and use of nitrous oxide through education and policy approaches and bring back such recommendations at a later date.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Eureka hereby echoes the County of Humboldt’s concerns and joins in the efforts to address the illicit sale, distribution, and use of nitrous oxide through education and policy approaches.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2024 by the following vote:

AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS

\_\_\_\_\_  
Kim Bergel, Mayor of the City of Eureka

*Attest:*

\_\_\_\_\_  
Pamela J. Powell, City Clerk

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
Miles Slattery, City Manager

\_\_\_\_\_  
Autumn Luna, City Attorney