

Fortuna City Council Meeting

Humboldt County's Recreational Nitrous Oxide and Tobacco Retail Licensing Ordinance Policy Work



October 2025



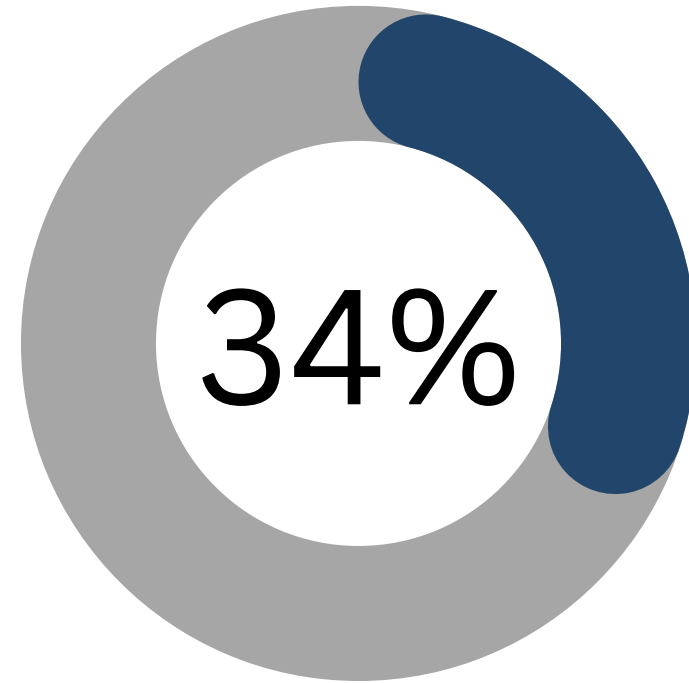
Recreational Nitrous Oxide Use in Humboldt

- According to the 2021-2023 California Healthy Kids Survey (CHKS) Humboldt County Secondary Report, 4% of Grade 7 and Grade 11 students reported that they have already used inhalants (California Department of Education, 2023).
- In the 2021, “Your Thoughts on Substance Use in Humboldt County” survey, young people and community members highlighted that nitrous oxide misuse and litter should be a priority area for our prevention work.
- In May 2024, a fatal pedestrian collision involving a driver under the influence of recreational nitrous oxide occurred in the City of Eureka.

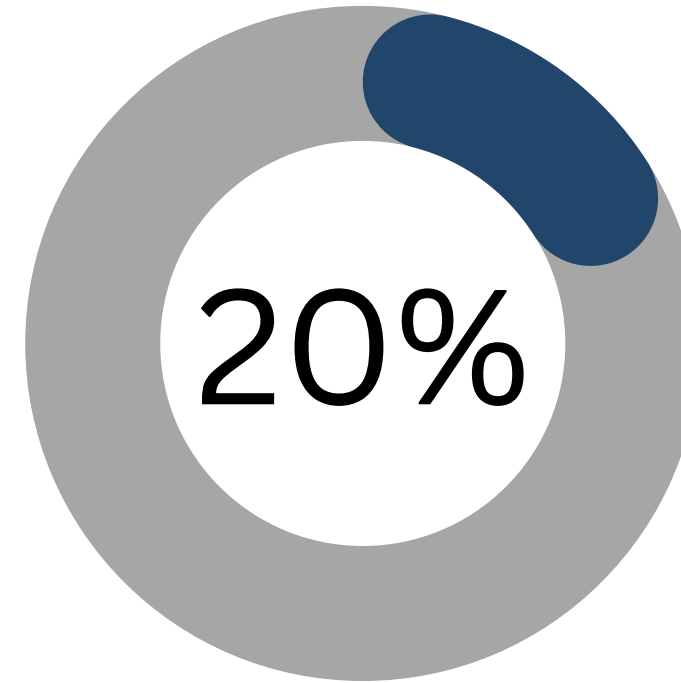


Photo courtesy of: Lost Coast Outpost; July 8, 2024

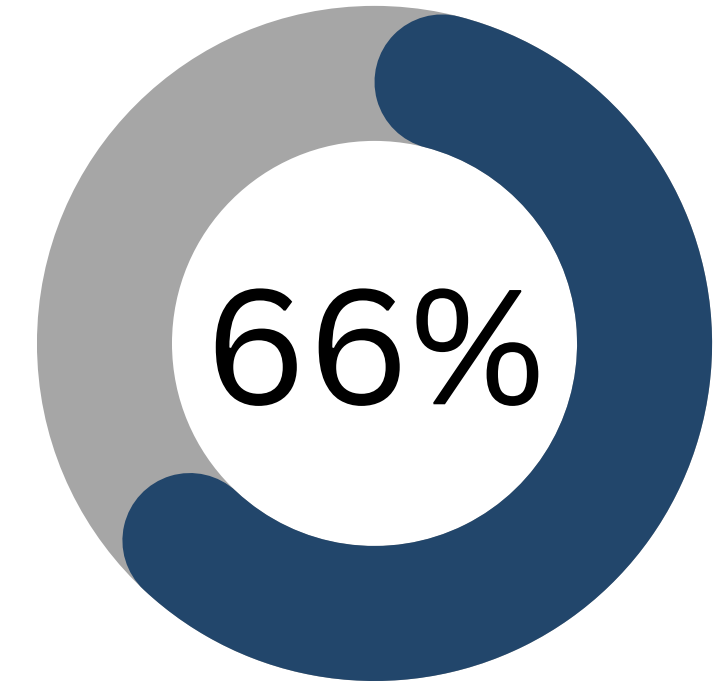
Commercial Tobacco and Vaping Use in Humboldt County



In Humboldt County, smoking tobacco causes or contributes to 34% of all **deaths** (Humboldt County Public Health Data, 2005–2018).



25% of Humboldt County **ninth-graders** have used vape products (California Healthy Kids Survey Data, 2021–2023).



67% of Humboldt **11th-graders** report it is "**fairly**" or "**very easy**" to **obtain** vape (e-cigarette) products (California Healthy Kids Survey Data, 2021–2023).

Recreational NO Use: Short-Term Effects



Packaging for “Great Whip” brand mini and large sized nitrous tanks, found in Fortuna at a busy apartment complex of families with young children.

- Short-term effects may include (Alcohol and Drug Foundation, 2025)
 - Dizziness and light-headedness
 - Blurred vision
 - Sweating
 - Unusual tiredness or weakness
 - Fainting or loss of blood pressure
 - Heart attack (in extreme cases)
 - Potential for hypoxia (lack of oxygen).

Recreational NO Use: Long-Term Effects

- Long-term effects may include (Alcohol and Drug Foundation, 2025)
 - Neurological damage
 - Memory loss
 - Vitamin B-12 depletion
 - Potential brain and nerve damage
 - Ringing or buzzing in the ears (tinnitus)
 - Incontinence
 - Numbness in hands or feet
 - Limb spasms; loss of muscle control
 - Weakened immune system
 - Disruption to reproductive systems
 - Potential birth defects, if used during pregnancy
 - Peripheral neuropathy
 - Psychological dependence
 - Potential for psychosis.



Nitrous oxide “whippet” canister litter found at the mouth of the Van Duzen River near Alton.

Recreational NO Use: Paraphernalia Defined



Canister

- Small metal cartridges that contain compressed nitrous oxide gas
- Chargers, whippets or “Whip-Its”



Cracker:

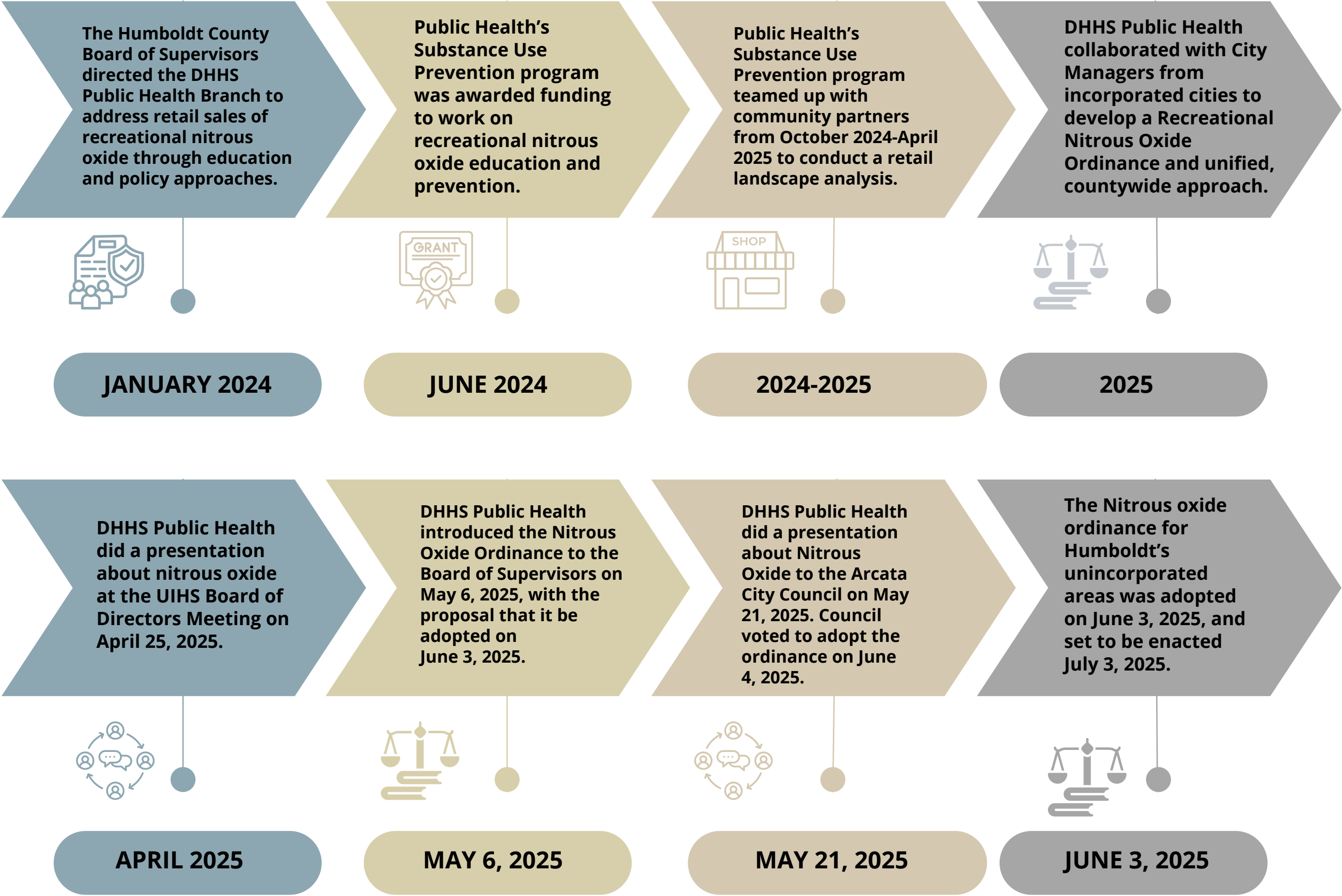
- Metal container that “cracks” the canisters and dispenses nitrous oxide gas



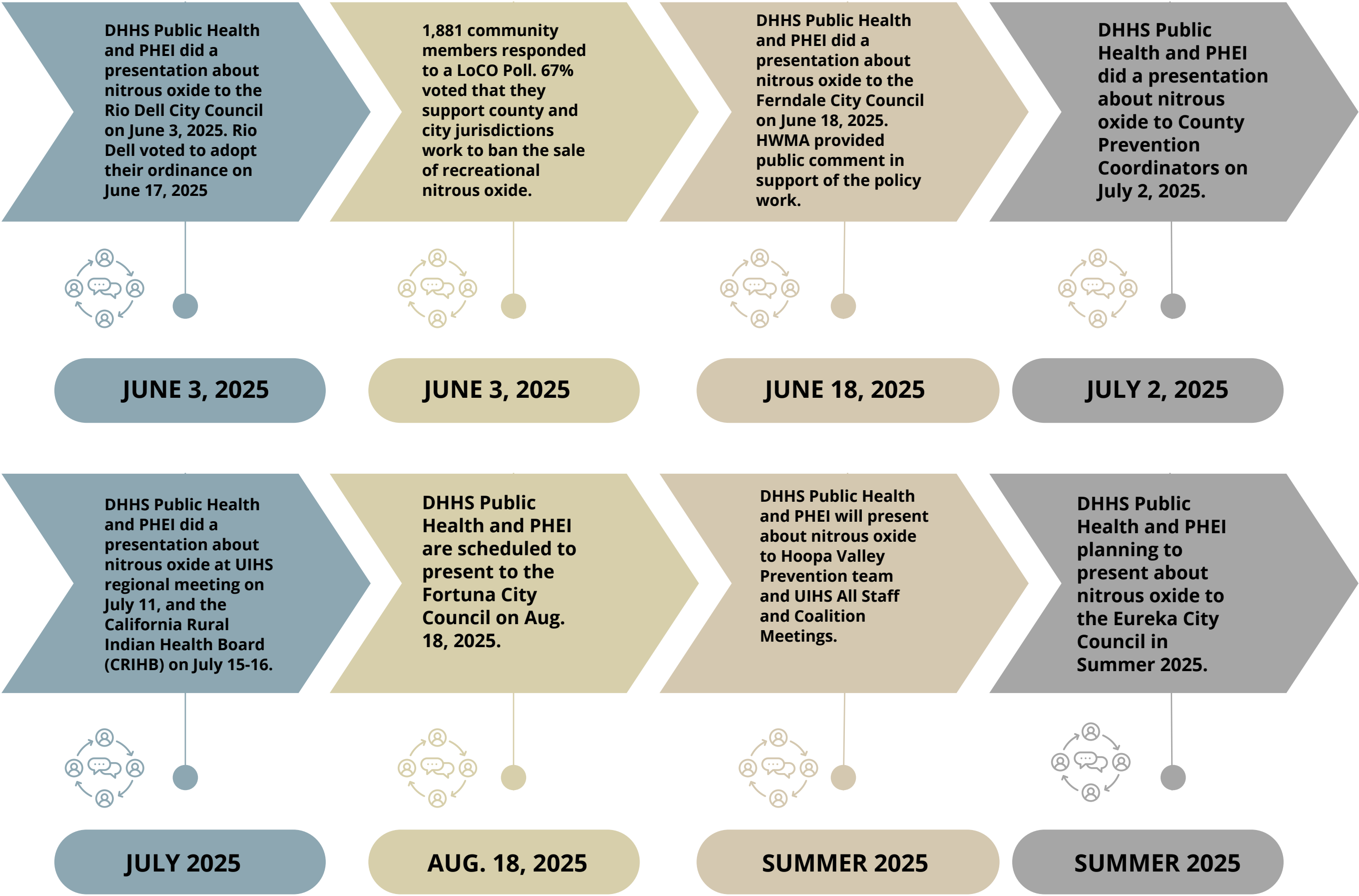
Tanks

- Dispense a steady stream of nitrous oxide gas without having to use canisters
- Small to extra-large containers available.

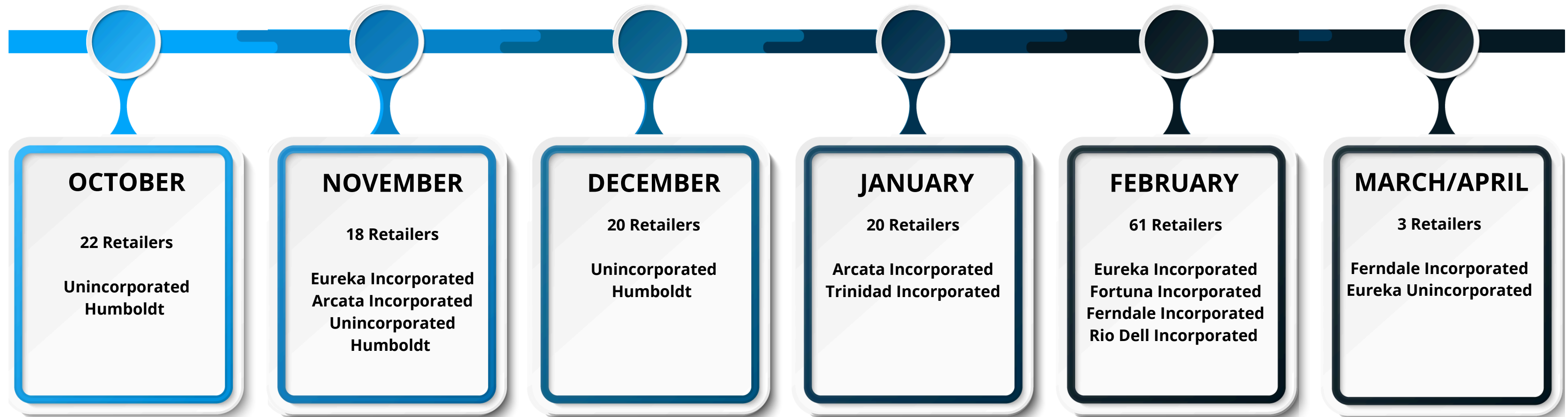
Implementation Timeline



Implementation Timeline Continued

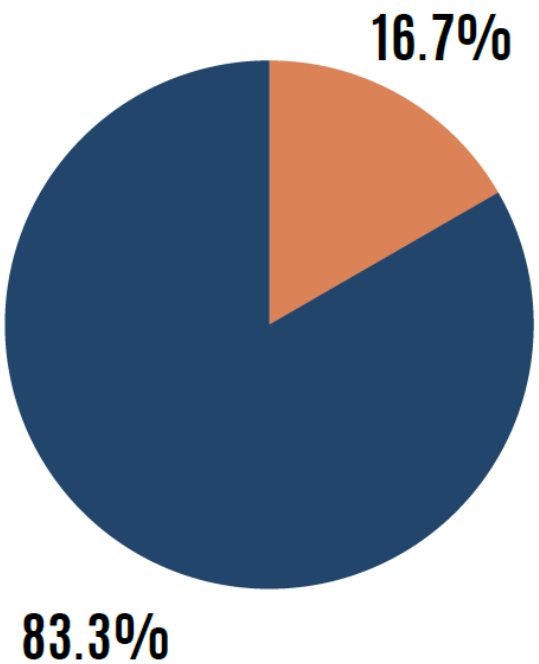


Observation Timeline



Public Health and HASPI-CAN completed 144 retail observations from October 2024-April 2025. This work included observations in unincorporated and incorporated Humboldt and did not include observations in tribal areas.

Recreational Nitrous Oxide Landscape Analysis



Staff observed nitrous oxide products in plain sight at 24 (16.7%) of 144 retail outlets.



18 retail outlets had crackers, canisters and tanks
5 of the outlets only had crackers and canisters
1 only had canisters.

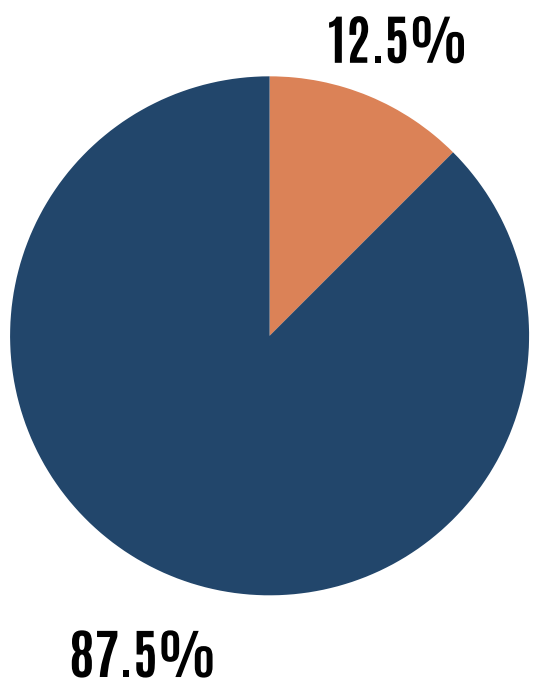
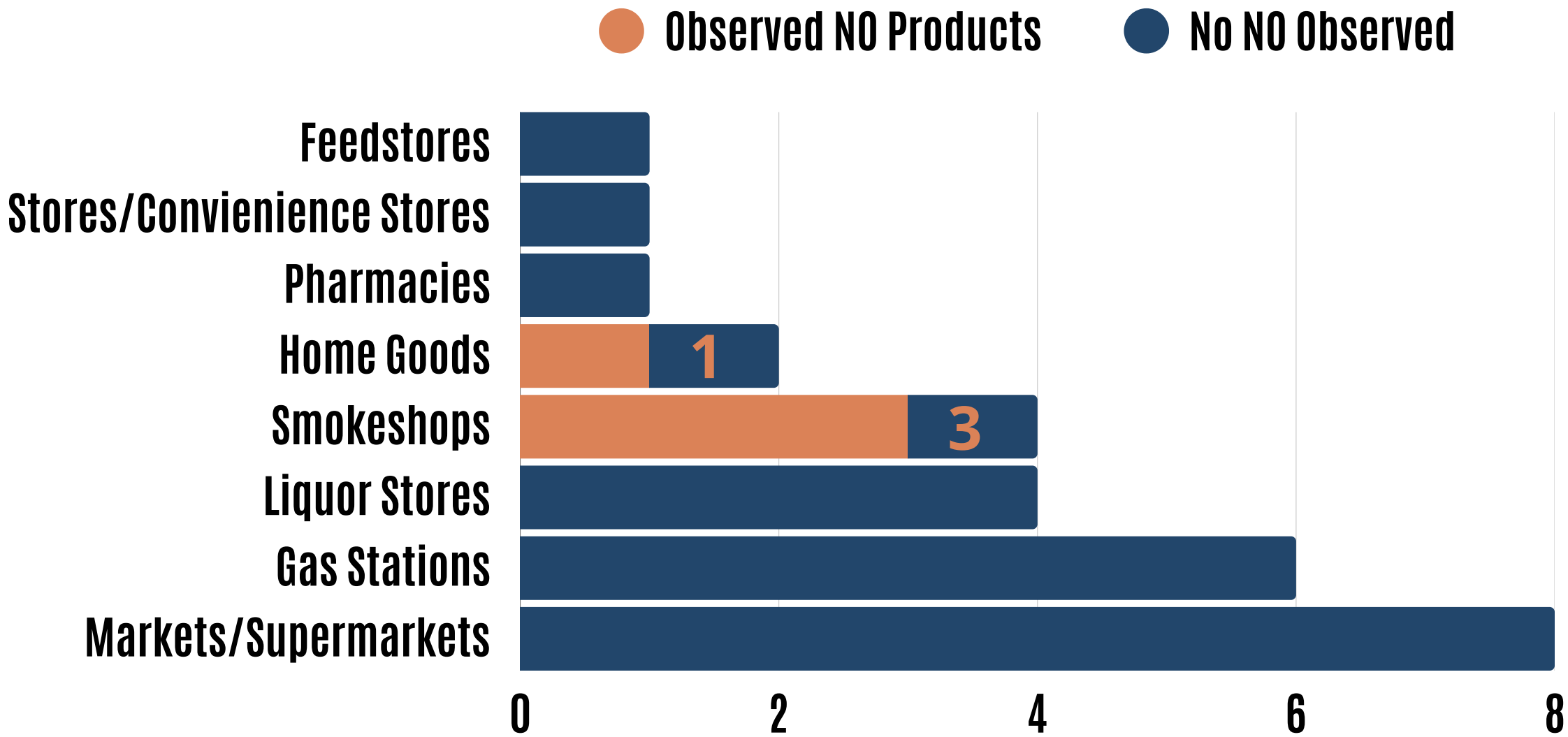


Staff disclosed the nitrous oxide observations at 34 (24%) of the 144 retail outlets the team visited.



Independent retail outlets include sex shops, glass shops, non-traditional tobacco retailers and variety or general stores.

Recreational Nitrous Oxide Sales in the Eel River Valley (ERV)



- Nitrous oxide products in plain sight observed at 4 of 28 retail outlets.
 - Three Smoke Shops in Fortuna that also sell tobacco and nicotine products.
 - One Home Goods store in Ferndale selling NO products intended for home-based culinary use.
- Anecdotal evidence that another retail outlet in Rio Dell may sell NO out of plain sight.
- Community members shared that residents from other jurisdictions in the ERV travel to the outlets in Fortuna to purchase recreational nitrous oxide products.

Key Findings

- Recreational nitrous oxide products are readily available and located in plain sight in most jurisdictions in Humboldt County.
- The majority of retail outlets that sell recreational nitrous oxide products are smoke shops.
- The retail outlets selling nitrous oxide also have a variety of flavored nicotine and tobacco products on their shelves.
- The community, including retailers, have anecdotally shared that other retailers are likely selling NO in back rooms or behind closed doors.



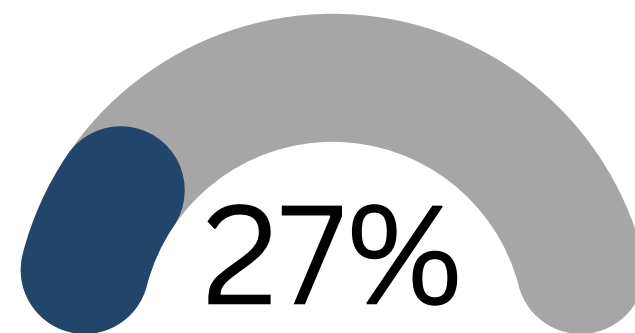
The Substance Use Prevention program trains local youth in annual Photo Voice Projects. This project highlighted issues of alcohol and other drug litter, including nitrous oxide products, on the HCOE Court & Community campus in Eureka.

Commercial Tobacco and Vape Sales in the Eel River Valley (ERV)

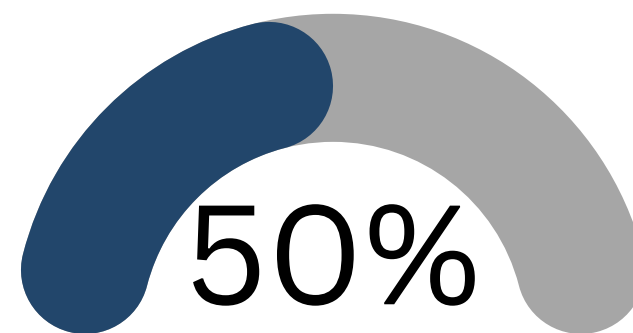
- 28 tobacco retail outlets were observed in the ERV in February 2025, including 17 retail outlets in Fortuna.
- Four tobacco retail outlets sold flavored tobacco products. Three tobacco retail outlets sold recreational nitrous oxide products.

Underage Sales Rates Across the County

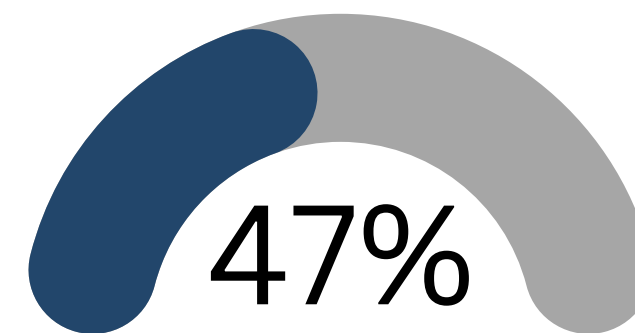
In 2022, youth between the ages of 18-20 were sent into local stores to see if they could purchase tobacco products at local stores.



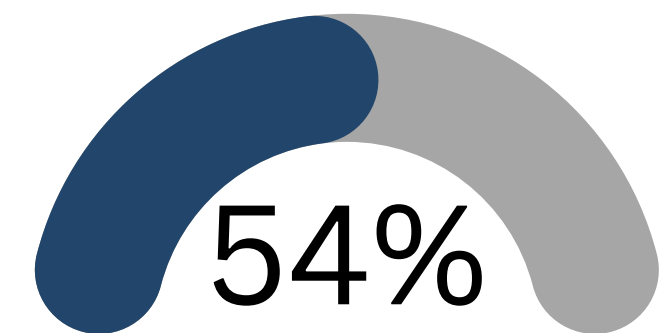
In Fortuna



In Ferndale



In Arcata



In unincorporated
Humboldt

Why are we talking about a tobacco retail licensing ordinance?

- Tobacco use is the **number one** cause of preventable death in California
- **230** cities and counties in California, including Humboldt County, have local TRL ordinances
 - Prevent youth access
 - Enforce local, state and federal laws
- Without a TRL, there is no local enforcement structure or long-term funding for local control over tobacco sales
- Unincorporated Humboldt
 - Pre-TRL: Over 60% of stores selling flavored products
 - Post-TRL: Less than 5% out of compliance
 - Flavor ban is state law
 - Several rounds of outreach, education and enforcement
- **In Public Health's recreational nitrous oxide retail landscape analysis, the majority of retail outlets that sell nitrous oxide products also sell commercial tobacco products.**



TRL and NO Policy Development

- Closing loopholes in state Health and Safety Code
 - For example, no enforcement mechanism
- Protecting youth through limited accessibility
- Enforcing local, state and federal laws, as applicable
- Local control, local community building
- Unified policy approach between unincorporated Humboldt County and city jurisdictions
- Recent local policies in Humboldt County
 - Tobacco Retail Licensing Ordinance (July 2023)
 - Unincorporated Humboldt; cities now considering
 - Commercial tobacco use
 - Nitrous Oxide Ordinance
 - Unincorporated Humboldt, cities of Arcata, Ferndale and Rio Dell (June/July 2025)
 - Cities of Eureka and Fortuna (planned fall 2025)
- Connect with UIHS Board of Directors to consider how DHHS-Public Health and HASPI-CAN can support local Tribal communities in NO work
 - Reciprocal and collaborative work on policy approaches when there's interest from both parties
 - Focus on upstream prevention, protecting youth from harmful substances.



Nitrous oxide is available in small to extra large tanks at retail outlets throughout Humboldt. Some tanks contain flavored NO.

County of Humboldt Nitrous Oxide Ordinance (NO) Provisions



Various brands of nitrous oxide tanks.

Photo courtesy of: Mad River Union;
KLH|Union March 13, 2025.

- Ban on sale of NO and associated paraphernalia in Humboldt County
- No exceptions for
 - Culinary
 - Automotive
- Permissible for use
 - Health care, dental, pharmacy
 - Contained in food product for use as a propellant
 - For example, packaged, canned whipped cream
- Enforcement
 - Misdemeanor
 - Public nuisance
 - Revocation of business license
 - Revocation of tobacco retail license
 - Not a current enforcement mechanism available to Fortuna without a TRL ordinance.

County of Humboldt's Tobacco Retail Licensing (TRL) Ordinance



- Adopted in July 2023 by Humboldt County Board of Supervisors for unincorporated Humboldt County
- Purpose
 - Reduce the availability of tobacco for youth in the community.
 - Provide local control for local, state and federal tobacco laws.
- Public Health's Division of Environmental Health provides enforcement for the TRL in unincorporated Humboldt.
- TRL amendment on May 6, 2025
 - Reference standalone NO ordinance
 - Provide additional enforcement for tobacco retailers who also sell nitrous oxide products and paraphernalia.
- Tobacco retailers who also sell nitrous oxide products risk losing their TRL and Humboldt County business license.

Acknowledgement

Special thanks to all the retailers who have been very helpful allies to this work and have provided useful anecdotal information to guide our work. The DHHS-Public Health team appreciates you!

Additionally, thanks for the support from the following community partners and agencies:

- Humboldt County Board of Supervisors
- Incorporated City Managers
- Health & Social Policy Institute: Communities Addressing Nicotine (HASPI-CAN)
- United Indian Health Services (UIHS)
- Humboldt County Sheriff's Office
- Eureka Police Department
- Rio Dell Police Department
- Fortuna Police Department
- Humboldt Waste Management Authority
- DHHS-Public Health's Division of Environmental Health
- DHHS-Public Health's Nicotine and Tobacco Prevention program.



Contact Information

Briana Sherlock, MPH

Humboldt County DHHS - Public Health

bsherlock@co.humboldt.ca.us

707-296-5484

Katie Jo Slaughter, MA

Humboldt County DHHS - Public Health

kslaughter@co.humboldt.ca.us

707-296-8312

Jay Macedo, MA

Partnership for Health Equity and Inclusion (PHEI)

jaymacedoconsulting@gmail.com

916-267-7071

Humboldt County DHHS - Public Health, Substance Use Prevention

publichealthaod@co.humboldt.ca.us

707-268-2132

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Lost Coast Outpost (June 3, 2025). [LoCo Pollz: POLL! Do you think Humboldt governments should ban nitrous oxide sales?](#)