Humboldt County Department of Health & Human Services

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**Ordinance No. 2718 Tobacco Retailer Licensing**
**Board of Supervisors Approval Timeline**

08/16/22: Discussion Regarding the Potential for a Tobacco Retail Licensing Ordinance
- Agenda Item: 22-991

05/23/23: Introduction of Comprehensive Tobacco Retailer Licensing Ordinance Adding Chapter 7 to Title VIII, Division 1 of the County Code
- Agenda Item: 23-577

07/11/23: Adoption of a Comprehensive Tobacco Retailer Licensing Ordinance of the Board of Supervisors adding Chapter 7 to Title VIII, Division 1 of the Humboldt County Code
- Agenda Item: 23-1011

05/21/24: Introduction of an Ordinance of the Board of Supervisors, County of Humboldt, State of California Amending Ordinance No. 2718 Comprehensive Tobacco Retailer Licensing Ordinance (Ordinance No. 2718)
- Agenda Item: 24-863

06/04/24: Adoption of an Ordinance of the Board of Supervisors, County of Humboldt, State of California Amending Ordinance No. 2718 Comprehensive Tobacco Retailer Licensing Ordinance (Ordinance No. 2718)
- Agenda Item: 24-864

05/06/25: Introduction of a Comprehensive Nitrous Oxide Ordinance Adding Division 11 to Title V of the County Code
- Agenda Item: 25-601

05/06/25: Introduction of an Ordinance Amending Humboldt County Code, Title VIII, Section 817-13, Comprehensive Tobacco Retailer Licensing Ordinance
- Agenda Item: 25-602

06/03/25: Adoption of a Comprehensive Nitrous Oxide Ordinance Adding Division 11 to Title V of the County Code
- Agenda Item: 25-714

06/03/25: Adoption of an Ordinance Amending Section 817-13 of Humboldt County Code Title VIII, Division 1, Chapter 7, the Comprehensive Tobacco Retailer Licensing Ordinance

- Agenda Item: 25-715

# COUNTY OF

**For the meeting of:** 8/16/202

**File #:** 22-991

**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Departmental

SUBJECT:
Discussion Regarding the Potential for a Tobacco Retail Licensing Ordinance

RECOMMENDATION(S):
That the Board of Supervisors:

1. Receive a report from Department of Health and Human Services (DHHS) - Public Health; and
2. Authorize staff to draft a Tobacco Retail Licensing ordinance to be considered by the Board at a later date.

SOURCE OF FUNDING:
Public Health Funds (1175)

DISCUSSION:
In Humboldt County, tobacco smoking causes or contributes to 34% of all deaths. Humboldt County's DHHS - Public Health, Tobacco-Free Humboldt Program works to prevent tobacco use by providing community education and legal technical assistance to jurisdictions interested in pursuing policies that reduce exposure to secondhand smoke and reduce the availability of tobacco, especially among youth. Staff does this work together with the Tobacco Education Network, a community coalition, and other community partners with common goal of promoting health in our community. Currently a focus of this policy work is supporting healthy choices in the retail environment. A January 2022 survey of 37 tobacco retailers in county unincorporated areas resulted in an underage purchase rate of 54%. 60% of Humboldt ninth graders and 67% of eleventh graders report it is "fairly" or "very" easy to obtain vape (e-cigarette) products. Tobacco retail licensing (TRL) ordinances have been enacted in 219 jurisdictions in California. They enable jurisdictions to have local control over the types of tobacco products sold, the number of retailers, and their location. They are an effective tool to limit youth access to tobacco and reduce tobacco-related mortality. Program administration and enforcement are funded by licensing fees paid by tobacco retailers.

FINANCIAL IMPACT:
There is no financial impact for receiving a report regarding tobacco retail licensing. Should an ordinance be authorized, ordinance administration would be self-funded from fees paid by retailers applying for licenses to sell tobacco. Retailer and community education funded by California Department of Public Health, California Tobacco Control Program administered by the Healthy Communities Division of DHHS - Public Health. Supplemental grant funding from the Department of

Justice is available to assist with initial implementation. There is no impact to the County General Fund.

STRATEGIC FRAMEWORK:
This action supports your Board's Strategic Framework by creating opportunities for improved safety and health.

OTHER AGENCY INVOLVEMENT:
California Department of Public Health
California Department of Justice

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The Board may choose not to pursue a tobacco retail licensing ordinance, which we anticipate would result in youth continuing to access tobacco in the retail environment and a projected increase in tobacco-related mortality.

ATTACHMENTS:
N/A

PREVIOUS ACTION/REFERRAL:
Board Order No.: N/A
Meeting of: N/A
File No.: N/A

# COUNTY OF HUMBOLDT

**For the meeting of:** 5/23/2023

**File #:** 23-577

**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Departmental

**Vote Requirement:** 4/5th

SUBJECT:
Introduction of Comprehensive Tobacco Retailer Licensing Ordinance Adding Chapter 7 to Title VIII, Division 1 of the County Code (4/5th Vote Required)

RECOMMENDATION(S):
That the Board of Supervisors:

1. Introduce the attached Ordinance (Comprehensive Tobacco Retailer Licensing Ordinance; An Ordinance of the Board of Supervisors of the County of Humboldt Adding Chapter 7 to Title VII, Division 1 of the County Code "Tobacco Retailer Licensing" Regulating Tobacco Product Sales and Requiring the Licensure of Tobacco Retailers) and waive the first reading;
2. Set the Ordinance for adoption on July 1, 2023, to take effect and be in force 30 days from the date of its adoption;
3. Discuss the attached draft fee schedule for Department of Health and Human Services - Public Health Fund 1175, Budget Unit 411, to be brought back to your Board through a future public hearing;
4. Direct the Clerk of the Board to publish the required pre-adoption summary of the Ordinance to be done at least 5 days prior to the date set for adoption; and
5. Direct the Clerk of the Board within 15 days after the adoption of the Ordinance, to publish a post-adoption summary of the Ordinance with the names of the Supervisors voting for and against the Ordinance, in a newspaper of general circulation published in the County of Humboldt, State of California.

SOURCE OF FUNDING:
Public Health Fund (1175), Budget Unit (411), Tobacco Retail Licensing Fees

DISCUSSION:
Tobacco use is the number one cause of preventable death in California and continues to be an urgent public health issue. The State of California enacted SB 793 which took effect on Dec. 21, 2022, in response to the rising epidemic of youth usage of flavored tobacco products; the targeted marketing of

certain flavored tobacco products to communities of color, low-income individuals, and the LGBTQ community; and the aggressive marketing of menthol-flavored products to African American community members. The provisions within SB 793 do not preempt or prohibit the adoption of local standards, which would give greater local control over the sale of tobacco products in Humboldt County than the provisions of this bill.

In California, 219 cities and counties have passed tobacco retailer licensing ordinances to stop youth from using tobacco. In Humboldt County, smoking and lung cancer rates exceed those of the state. The high density of tobacco retailers is linked to high availability of tobacco products, increased smoking, and increased tobacco-related disease and death. A January 2022 survey of 37 tobacco retailers in county unincorporated areas revealed 54%)sold tobacco to an underage youth as defined as someone under the current legal purchasing age of 21 years of age. Sixty percent of Humboldt ninth graders and 67% of 11th graders report it is “fairly” or “very” easy to obtain vape (e-cigarette) products.

Humboldt County Department of Health and Human Services - Public Health Branch (DHHS-PH), Healthy Communities and WIC Division is engaged in policy work to reduce exposure to secondhand smoke and reduce the availability of tobacco, especially among youth under 21 years of age. On Aug. 16, 2022, the Humboldt County Board of Supervisors received a report from DHHS-PH and authorized staff to draft a Tobacco Retail Licensing ordinance to be considered by the Board at a later date. DHHS -PH has drafted the attached Ordinance regulating tobacco product sales and requiring licensure of tobacco retailers.

Enacting the Ordinance will not unduly burden the legitimate business activities of retailers who sell tobacco products to adults. It is the intent of the Ordinance to ensure compliance with the business standards and practices of the county, encourage responsible tobacco retailing, and discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco products to youth.

FINANCIAL IMPACT:

| **Expenditures** (Fund, Budget Unit) | **FY22-23 Adopted** | **FY23-24 Projected** | **FY24-25 Projected** |
|---|---|---|---|
| Budgeted Expenses | $0 | $55,837 | $55,837 |
| **Total Expenditures** | **$0** | **$55,837** | **$55,837** |
| **Funding Sources** (Fund, Budget Unit) | **FY22-23 Adopted** | **FY23-24 Projected*** | **FY24-25 Projected*** |
| State/Federal Funds | $0 | $24,341 | $24,341 |
| Fees/Other | $0 | $31,496 | $31,496 |
| **Total Funding Sources** | **$0** | **$55,837** | **$55,837** |

**Projected amounts are estimates and are subject to change.*

**Narrative Explanation of Financial Impact:**
Approval of the attached ordinance will not authorize to collect the attached fees. If the ordinance is adopted, DHHS-Public Health will return to your Board through a public hearing to approve and adopt

the associated fees. Should the fees be approved at that time, DHHS-Public Health would then be able to begin collecting those fees, 30 days after the public hearing in fund 1175, budget unit 411-Hazardous Material Program. Annual revenue is anticipated to $55,837 based on the attached fees.

STAFFING IMPACT:

**Narrative Explanation of Staffing Impact:**
Fee revenue will help maintain current staffing levels in the environmental health division.

STRATEGIC FRAMEWORK:
The Ordinance supports the Board's Strategic Framework Core Roles by protecting vulnerable populations, enforcing laws and regulations to protect residents, and creating opportunities for improved safety and health. The Ordinance also supports the Board's Priorities for New Initiatives, by facilitating the establishment of local revenue sources to address local needs and facilitating public/private partnerships to solve problems.

OTHER AGENCY INVOLVEMENT:
N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The Board may choose not to pursue a tobacco retail licensing ordinance, which we anticipate would result in youth continuing to access tobacco in the retail environment and a projected increase in tobacco-related morbidity and mortality.

ATTACHMENTS:
1. Action Summary 8.16.22
2. Departmental Agenda Item 8.16.22 - Tobacco Retail Licensing
3. Humboldt County Tobacco Retail License Ordinance
4. 411 Hazardous Materials Program - FY23-24 TRL Fees 4-25-23
5. Pre-Adoption Summary
6. Post-Adoption Summary

PREVIOUS ACTION/REFERRAL:
Board Order No.: H-2
Meeting of: 08/16/2022
File No.: 22-991

# COUNTY OF HUMBOLDT

**For the meeting of:** 7/11/2023

**File #:** 23-1011

**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Consent

**Vote Requirement:** Majority

SUBJECT:
Adoption of a Comprehensive Tobacco Retailer Licensing Ordinance of the Board of Supervisors adding Chapter 7 to Title VIII, Division 1 of the Humboldt County Code

RECOMMENDATION(S):
That the Board of Supervisors:

1. Adopt the attached Ordinance adding Chapter 7 to Title VIII, Division 1 of the Humboldt County Code.
2. Direct the Clerk of the Board to publish, within 15 days after the adoption of the ordinance, a post-adoption summary of the ordinance with the names of the Supervisors voting for and against the ordinance, and to post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the ordinance.

SOURCE OF FUNDING:
Public Health Funds (1175)

DISCUSSION:
On May 23, 2023, the Board of Supervisors introduced the above-referenced ordinance by title, waived the first reading; and directed the Clerk of the Board to publish a pre-adoption summary of the ordinance and set the ordinance for adoption on July 11, 2023. This action completes adoption of the ordinance and will result in publication of a post-adoption summary.

FINANCIAL IMPACT:

| **Expenditures** (Fund, Budget Unit) | **FY23-24 Projected** | **FY24-25 Projected** |
|---|---|---|
| Budgeted Expenses | $55,837 | $55,837 |
| **Total Expenditures** | **$55,837** | **$55,837** |

| **Funding Sources** (Fund, Budget Unit) | **FY23-24 Projected*** | **FY24-25 Projected*** |
|---|---|---|
| State/Federal Funds | $24,341 | $24,341 |
| Fees/Other | $31,496 | $31,496 |
| **Total Funding Sources** | **$55,837** | **$55,837** |

**Projected amounts are estimates and are subject to change.*

**Narrative Explanation of Financial Impact:**
Approval of the attached ordinance will allow DHHS-Public Health to be reimbursed for fee revenue for Fiscal Year 2023-24, in fund 1175, budget unit 411-Hazardous Material Program. Revenue from this ordinance will be budgeted in subsequent fiscal years during county budget process.

**Narrative Explanation of Staffing Impact:**
Fee revenue will help maintain current staffing levels in the Environmental Health Division.

STRATEGIC FRAMEWORK:
The ordinance supports the Board's Strategic Framework Core Roles by protecting vulnerable populations, enforcing laws and regulations to protect residents, and creating opportunities for improved safety and health. The ordinance also supports the Board's Priorities for New Initiatives, by facilitating the establishment of local revenue sources to address local needs and facilitating public/private partnerships to solve problems.

OTHER AGENCY INVOLVEMENT:
N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The Board may choose not to pursue a tobacco retail licensing ordinance, which we anticipate would result in youth continuing to access tobacco in the retail environment and a projected increase in tobacco-related morbidity and mortality.

ATTACHMENTS:
1. Ordinance No. _____
2. Post-Adoption Summary

PREVIOUS ACTION/REFERRAL:
Board Order No.: H-2
Meeting of: 5/23/2023
File No.: 23-577

# COUNTY OF HUMBOLDT

**For the meeting of:** 5/21/2024

**File #:** 24-863

**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Departmental

**Vote Requirement:** Majority

**SUBJECT:**
Introduction of an Ordinance of the Board of Supervisors, County of Humboldt, State of California Amending Ordinance No. 2718 Comprehensive Tobacco Retailer Licensing Ordinance (Ordinance No. 2718)

**RECOMMENDATION(S):**
That the Board of Supervisors:

1. Introduce the Ordinance Amending Sections 817-4 and 817-19 of Chapter 7 of Title VII, Division 1 of the Humboldt County Code "Tobacco Retailer Licensing" Regulating Tobacco Product Sales and Requiring the Licensure of Tobacco Retailers and waive the first reading; and
2. Set the Amendment to Ordinance No. 2718 for adoption on June 7, 2024, to take effect and be in force thirty (30) days from the date of its adoption; and
3. Direct the Clerk of the Board of Supervisors to publish the pre-adoption summary of the ordinance; and
4. Direct the Clerk of the Board of Supervisors to post a certified copy of the full text of the ordinance in the office of the Clerk of the Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which the ordinance will be adopted [Government Code Section 25124(b)(1)]; and
5. Direct the Clerk of the Board of Supervisors to publish a post-adoption summary of the ordinance within fifteen (15) days after the adoption of ordinance with names of Supervisors voting for a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance [Government Code Section 25124(b)(1)].

**STRATEGIC PLAN:**
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1006 - Implement Live Well Humboldt - Community Health Improvement Plan

**DISCUSSION:**
On December 21, 2022, the State of California enacted SB 793 in response to the rising epidemic of youth usage of flavored tobacco products; the targeted marketing of certain flavored tobacco products to communities of color, low-income individuals, and the LGBTQ community; and the aggressive marketing of menthol-flavored products to African American community members.

On August 16, 2022, the Board of Supervisors requested Department of Health and Human Services (DHHS) - Public Health to draft a Tobacco Retail Licensing Ordinance.

On May 23, 2023, the Board of Supervisors introduced Ordinance No. 2718 and the Ordinance was adopted on July 11, 2023.

On December 12, 2023, the Board of Supervisors voted to adopt the Fiscal Year (FY) 2023-2024 Humboldt County Schedule of Fees and Charges for permits and services, which included Tobacco Retail Licenses.

On February 27, 2024, the Board of Supervisors and DHHS-Public Health discussed possible revisions to the following sections of Ordinance No. 2718 Section 817-4 Tobacco Product Pricing, Placement, and Packaging:

1. Subdivision (d) Prohibition of Tobacco Coupons and Discounts: (3) provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.
2. Subdivision (e) Placement of Tobacco Products: Tobacco products or advertisements relating to tobacco shall not be placed or displayed within five (5) feet of candy, snacks, nor nonalcoholic beverages.

DHHS - Public Health brings forth the Amendment to Ordinance No. 2718 to update the language in section 817-4 Tobacco Product Pricing, Placement, and Packing, removing the five (5) foot language and replacing it with language around tobacco products either being behind a counter or in a locked case. DHHS - Public Health also updates section 817-19 Exceptions to include new language regarding exceptions to the Coupons and Discounts of tobacco products.

Enacting this Amendment to Ordinance No. 2718 will not unduly burden the legitimate business activities of retailers who sell tobacco products to adults. It is the intent of Ordinance No. 2718 is to ensure compliance with the business standards and practices of the county, encourage responsible tobacco retailing, and discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco products to youth.

**SOURCE OF FUNDING:**
Public Health Fund (1175) Hazardous Material Program (411) Tobacco Retail Licenses (206030)

**FINANCIAL IMPACT:**

| ***Expenditures (1175-411, 206030)*** | **FY23-24** | **FY24-25 Projected*** | **FY25-26 Projected*** |
|---|---|---|---|
| ***Budgeted Expenses*** | $55,837.00 | $55,837.00 | $55,837.00 |
| ***Total Expenditures*** | **$55,837.00** | **$55,837.00** | **$55,837.00** |
| | | | |

**Projected amounts are estimates and are subject to change.*

| ***Funding Sources (1175-411, 206030)*** | **FY23-24** | **FY24-25 Projected*** | **FY25-26 Projected*** |
|---|---|---|---|
| ***State/Federal Funds*** | $24,341.00 | $24,341.00 | $24,341.00 |
| ***Fees/Other*** | $31,496.00 | $31,496.00 | $31,496.00 |
| ***Total Funding Sources*** | **$55,837.00** | **$55,837.00** | **$55,837.00** |

**Projected amounts are estimates and are subject to change.*

Narrative Explanation of Financial Impact:
Approval of Ordinance No. 2718 and approval of the Fiscal Year (FY) 2023-24 Humboldt County Schedule of Fees and Charges, authorizes DHHS - Public Health to collect fee revenue in Public Health Fund (1175) Hazardous Materials Program (411) Tobacco Retail Licenses (206030). The Amendment to Ordinance No. 2718 introduced to the Board of Supervisors today does not impact the current Fiscal Year (FY) budget, including the FY 2024-25 proposed budget. Annual revenue is anticipated on the Fee Schedule.

**STAFFING IMPACT:**

Narrative Explanation of Staffing Impact:
Fee revenue will help maintain current staffing levels.

**OTHER AGENCY INVOLVEMENT:**
N/A

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board could reject the Amendment to Ordinance No. 2718.

**ATTACHMENTS:**

1. Board of Supervisors, County of Humboldt, State of California Ordinance No. 2718
2. Proposed Amendment to Ordinance No. 2718
3. Hazardous Materials Program Fiscal Year (FY) 2023-2024 Fee Schedule
4. Bill Text SB 793 Flavored Tobacco Products
5. Pre-Adoption Summary
6. Post-Adoption Summary

**PREVIOUS ACTION/REFERRAL:**
Meeting of: 08/16/22, 05/23/23, 07/11/23, 12/12/23, 02/27/23
File No.: 22-991, 23-577, 23-1011, 23-1559, 24-181

# COUNTY OF HUMBOLDT

**For the meeting of:** 6/4/2024

**File #:** 24-864

**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Consent

**Vote Requirement:** Majority

**SUBJECT:**
Adoption of an Ordinance of the Board of Supervisors, County of Humboldt, State of California Amending Ordinance No. 2718 Comprehensive Tobacco Retailer Licensing Ordinance (Ordinance No. 2718)

**RECOMMENDATION(S):**
That the Board of Supervisors:

1. Adopt the Ordinance Amending Sections 817-4 and 817-19 of Chapter 7 of Title VII, Division 1 of the Humboldt County Code "Tobacco Retailer Licensing" Regulating Tobacco Product Sales and Requiring the Licensure of Tobacco Retailers.

**STRATEGIC PLAN:**
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1006 - Implement Live Well Humboldt - Community Health Improvement Plan

**DISCUSSION:**
On May 21, 2024, the Board of Supervisors introduced the above referenced ordinance by title, waived the first reading, and directed the Clerk of the Board to publish a pre-adoption summary of the ordinance and set the ordinance for adoption on June 4, 2024. This action completes adoption of the ordinance and will result in publication of post-adoption summary.

**SOURCE OF FUNDING:**
Public Health Fund (1175) Hazardous Material Program (411) Tobacco Retail Licenses (206030)

**FINANCIAL IMPACT:**

| ***Expenditures (Fund, Budget Unit)*** | **FY23-24** | **FY24-25 Projected*** | **FY25-26 Projected*** |
|---|---|---|---|
| ***Budgeted Expenses*** | $55,837.00 | $55,837.00 | $55,837.00 |
| ***Total Expenditures*** | **$55,837.00** | **$55,837.00** | **$55,837.00** |

**Projected amounts are estimates and are subject to change.*

| ***Funding Sources (Fund, Budget Unit)*** | **FY23-24** | **FY24-25 Projected*** | **FY25-26 Projected*** |
|---|---|---|---|
| ***State/Federal Funds*** | $24,341.00 | $24,341.00 | $24,341.00 |
| ***Fees/Other*** | $31,496.00 | $31,496.00 | $31,496.00 |
| ***Total Funding Sources*** | **$55,837.00** | **$55,837.00** | **$55,837.00** |

**Projected amounts are estimates and are subject to change.*

Narrative Explanation of Financial Impact:
Approval of Ordinance No. 2718 and approval of the Fiscal Year (FY) 2023-24 Humboldt County Schedule of Fees and Charges, authorizes DHHS - Public Health to collect fee revenue in Public Health Fund (1175) Hazardous Materials Program (411) Tobacco Retail Licenses (206030). The Amendment to Ordinance No. 2718 introduced to the Board of Supervisors today does not impact the current Fiscal Year (FY) budget, including the FY 2024-25 proposed budget. Annual revenue is anticipated on the Fee Schedule. Revenue will continue to be budgeted for subsequent Fiscal Years during the budget process.

**STAFFING IMPACT:**

Narrative Explanation of Staffing Impact:
Fee revenue will help maintain current DHHS - Public Health staffing levels.

**OTHER AGENCY INVOLVEMENT:**

N/A

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board could reject the adoption of the Amendment to Ordinance No. 2718.

**ATTACHMENTS:**

1. Amendment Ordinance No. 2718
2. Post-Adoption Summary

**PREVIOUS ACTION/REFERRAL:**

Meeting of: 08/16/22, 05/23/23, 07/11/23, 12/12/23, 02/27/23
File No.: 22-991, 23-577, 23-1011, 23-1559, 24-181

# COUNTY OF HUMBOLDT

**For the meeting of:** 5/6/2025

**File #:** 25-601

**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Consent

**Vote Requirement:** Majority

**SUBJECT:**
Introduction of a Comprehensive Nitrous Oxide Ordinance Adding Division 11 to Title V of the County Code

**RECOMMENDATION(S):**
That the Board of Supervisors:

1. Introduce the attached Ordinance (Comprehensive Nitrous Oxide Ordinance; An Ordinance of the Board of Supervisors of the County of Humboldt Adding Division 11 "Sales of Nitrous Oxide," to Title V of the Humboldt County Code Making It Unlawful for Any Person in the County of Humboldt, with Exceptions, to Sell or Attempt to Sell, Offer, Distribute, or Provide Nitrous Oxide to Any Person) and waive the first reading; and
2. Set the Ordinance for adoption on June 3, 2025, to take effect and be in force 30 days from the date of its adoption; and
3. Direct the Clerk of the Board to publish the required pre-adoption summary of the Ordinance to be done at least 5 days prior to the date set for adoption; and
4. Direct the Clerk of the Board within 15 days after the adoption of the Ordinance, to publish a post-adoption summary of the Ordinance with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance.

**STRATEGIC PLAN:**
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1006 - Implement Live Well Humboldt - Community Health Improvement Plan

**DISCUSSION:**
Nitrous oxide 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 cannisters. The use of nitrous oxide as an inhalant 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. The Alcohol and Drug Foundation describes that long term adverse consequences from excessive recreational nitrous oxide can include memory loss; low blood pressure; Vitamin B12 depletion; brain and nerve damage; lack of judgement and safety awareness; weakened immune system; depression; psychological dependence; psychosis and dependence or addiction. If a large amount of recreational nitrous oxide is used in one sitting, it can lead to loss of blood pressure and fainting. There is no known beneficial use of recreational nitrous oxide, especially for young people. A recent research study from March 2025 in *The Lancet* showed that youth as young as 14 years old are experiencing sustained neurological damage due to recreational nitrous oxide use.

Nitrous oxide is often sold in cannisters called "whip-its" and can be purchased throughout Humboldt County's retail landscape,

especially at smoke shops. The prevalence of these cannisters in stores and the proximity of those stores to schools and recreational areas allows nitrous oxide to be easily accessible to our youth. According to the 2021-2023 California Healthy Kids Survey Humboldt County Secondary Report, 11% of Grade 7 and Grade 11 students reported already having used inhalants and inhalants were found to be an initiation drug for 5th grade students.

It has long been recognized by many that recreational nitrous oxide use is a significant issue that impacts the health and well-being of our community. Enacting the Ordinance will not unduly burden the legitimate business activities of retailers who sell other products, including tobacco products. It is the intent of the Ordinance to ensure compliance with the business standards and practices of the county, encourage responsible retailing and discourage violations of nitrous oxide-related laws, especially those which prohibit or discourage the sale or distribution of nitrous oxide.

**SOURCE OF FUNDING:**
Public Health Fund (1175)

**FINANCIAL IMPACT:**
Narrative Explanation of Financial Impact:
There is no anticipated financial impact on the fiscal year (FY) 2025-26 or future FY revenue or expenditure budgets, including fee schedules, as this ordinance does not introduce new fines, fees or funding allocations. The primary objective is to prohibit the sale and distribution of Nitrous Oxide.

**STAFFING IMPACAT:**
Narrative Explanation of Staffing Impact:
Enforcement of any code violations may involve staff from either or both the Sheriff and Planning and Building Departments, however, it is anticipated that the staffing impacts related to the ordinance would be minimal.

**OTHER AGENCY INVOLVEMENT:**
N/A

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**
Your Board may choose not to pursue the adoption of the Comprehensive Nitrous Oxide Ordinance, however, this is not recommended as the Department of Health and Human Services - Public Health anticipates this would result in the community, particularly youth, continuing to access nitrous oxide in the retail environment and a projected increase in related morbidity and mortality rates.

**ATTACHMENTS:**
1. County of Humboldt Comprehensive Nitrous Oxide Ordinance
2. Pre-Adoption Summary
3. Post Adoption Summary

**PREVIOUS ACTION/REFERRAL:**
Meeting of: 1/9/2024, 6/4/2024
File No.: 24-5, 24-864

# COUNTY OF HUMBOLDT

**For the meeting of:** 5/6/2025

**File #:** 25-602

**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Consent

**Vote Requirement:** Majority

**SUBJECT:**
Introduction of an Ordinance Amending Humboldt County Code, Tile VII, Chapter7, Section 817-13, Comprehensive Tobacco Retailer Licensing Ordinance

**RECOMMENDATION(S):**
That the Board of Supervisors:

1. Introduce the Ordinance Amending Section 817-13 of Chapter 7 of Title VIII of the Humboldt County Code "Tobacco Retailer Licensing" regulating nitrous oxide product sales and waive the first reading; and
2. Set the Amendment to Ordinance No. 2718 for adoption on June 3, 2025, to take effect and be in force thirty (30) days from the date of its adoption; and
3. Direct the Clerk of the Board of Supervisors to publish the pre-adoption summary of the ordinance to be done at least 5 days prior to the date set for adoption; and
4. Direct the Clerk of the Board within 15 days after adoption of the ordinance to publish a post-adoption summary of the ordinance with names of Supervisors voting for and against the ordinance, in a newspaper of the general circulation published in the County of Humboldt, State of California.

**STRATEGIC PLAN:**
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1006 - Implement Live Well Humboldt - Community Health Improvement Plan

**DISCUSSION:**
On July 11, 2023, the Board of Supervisors adopted Ordinance No. 2718 titled Comprehensive Tobacco Retailer Licensing Ordinance.

On Jan. 9, 2024, the Board of Supervisors adopted Resolution 24-4 titled Resolution of the Humboldt County Board of Supervisors Addressing the Sale, Distribution and Use of Nitrous Oxide in Humboldt County.

Today the Department of Health and Human Services (DHHS) - Public Health brings forth an Amendment of Ordinance No. 2718 to add the language in section 817-13 to revoke a tobacco retailer's license if it is in violation of selling Nitrous Oxide.

Also coming before your Board today on staff report 25-601 is the Introduction of the Comprehensive Nitrous Oxide Ordinance that will make it unlawful for any person in the County of Humboldt, with exceptions, to sell or attempt to sell, offer, distribute or provide Nitrous Oxide to any person.

**SOURCE OF FUNDING:**
Public Health Fund (1175)

**FINANCIAL IMPACT:**
Narrative Explanation of Financial Impact:
There is no anticipated financial impact on the fiscal year (FY) 2025-26 or future FY revenue or expenditure budgets, including fee schedules, as this amendment does not introduce new fines, fees, or funding allocations. The primary objective is to prohibit the sale and distribution of nitrous oxide, with violations potentially leading to the revocation of a Tobacco Retailer License. It is anticipated that there will be compliance with the nitrous oxide sales ban ordinance, and therefore have no impact to fee revenue.

**STAFFING IMPACT:**
Narrative Explanation of Staffing Impact:
Tobacco Retail Licensing involves staff the DHHS- Public Health Division of Environmental Health, however, it is anticipated that the staffing impacts related the amendment of this ordinance would be minimal.

**OTHER AGENCY INVOLVEMENT:**
N/A

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**
The Board may choose not to amend the Tobacco Retail Licensing Ordinance in support of the Comprehensive Nitrous Oxide Ordinance, however, it is anticipated this would result in continued prevalence and ease of access to Nitrous Oxide in Humboldt County.

**ATTACHMENTS:**
1. Board of Supervisors, County of Humboldt, State of California Ordinance 2718
2. Proposed Amendment to Ordinance No. 2718

**PREVIOUS ACTION/REFERRAL:**
Meeting of: 1/9/24, 2/27/24, 5/21/24, 6/4/24
File No.: 24-5, 24-181, 24-863, 24-864

# COUNTY OF HUMBOLDT

**For the meeting of:** 6/3/2025

**File #:** 25-714

**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Consent

**Vote Requirement:** Majority

**SUBJECT:**
Adoption of a Comprehensive Nitrous Oxide Ordinance Adding Division 11 to Title V of the County Code

**RECOMMENDATION(S):**
That the Board of Supervisors:

1. Adopt the attached Ordinance (Comprehensive Nitrous Oxide Ordinance; An Ordinance of the Board of Supervisors of the County of Humboldt Adding Division 11 "Sales of Nitrous Oxide," to Title V of the Humboldt County Code Making It Unlawful for Any Person in the County of Humboldt, with Exceptions, to Sell or Attempt to Sell, Offer, Distribute, or Provide Nitrous Oxide to Any Person) to take effect and be in force 30 days from the date of its adoption; and
2. Direct the Clerk of the Board to publish, within fifteen (15) days after the adoption of the Ordinance, a post-adoption summary of the Ordinance, and to post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the Ordinance.

**STRATEGIC PLAN:**
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1006 - Implement Live Well Humboldt - Community Health Improvement Plan

**DISCUSSION:**
Nitrous oxide, commonly used in medical procedures and food preparation, has gained popularity as a recreational inhalant, posing serious health risks such as neurological damage, addiction, and even fatal outcomes. Research published in The Lancet (March 2025) highlights sustained neurological harm in youth as young as 14.

Sold in cannisters known as "whip-its," nitrous oxide is widely available across Humboldt County, particularly in smoke shops near schools and recreational areas, making access easy for young people. According to the 2021-2023 California Healthy Kids Survey, 11% of local 7th and 11th graders have used inhalants, with 5th graders identifying them as an initiation drug.

Recognizing the public health concerns, the Department of Health and Human Services (DHHS) - Public Health Branch brought a resolution to the Board of Supervisors on January 9, 2024, identifying nitrous oxide as a critical local issue and initiating research into its harmful effects.

On May 6, 2025, DHHS - Public Health Branch introduced the Comprehensive Nitrous Oxide Ordinance, making it unlawful, with certain exceptions, to sell, offer, distribute, or provide nitrous oxide in Humboldt County.

Today, DHHS - Public Health Branch returns to the Board of Supervisors seeking approval for the Ordinance's adoption, reinforcing efforts to regulate nitrous oxide sales while maintaining responsible business practices and protecting community health.

**SOURCE OF FUNDING:**
Public Health Fund (1175)

**FINANCIAL IMPACT:**
Narrative Explanation of Financial Impact:
There is no anticipated financial impact on the fiscal year (FY) 2025-26 or future FY revenue of expenditure budgets, including fee schedules, as this ordinance does not introduce new fines, fees or funding allocations. The primary objective is to prohibit the sale and distribution of Nitrous Oxide.

**STAFFING IMPACT:**
Narrative Explanation of Staffing Impact:
Enforcement of any code violations may involve staff from either or both the Sheriff and Planning Building Departments, however, it is anticipated that the staffing impacts related to the ordinance would be minimal.

**OTHER AGENCY INVOLVEMENT:**
N/A

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**
Your Board may choose not to pursue the adoption of the Comprehensive Nitrous Oxide Ordinance, however, this is not recommended as the Department of Health and Human Services - Public Health Branch anticipates this would result in the community, particularly youth, continuing to access nitrous oxide in the retail environment and a projected increase in related morbidity and mortality rates.

**ATTACHMENTS:**
1. County of Humboldt Comprehensive Nitrous Oxide Ordinance
2. Post-Adoption Summary

**PREVIOUS ACTION/REFERRAL:**
Meeting of: 1/9/2024, 6/4/2024, 5/6/2025
File No.: 24-5, 24-864, 25-601

# COUNTY OF HUMBOLDT

**For the meeting of:** 6/3/2025

**File #:** 25-715

**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Consent

**Vote Requirement:** Majority

**SUBJECT:**
Adoption of an Ordinance Amending Section 817-13 of Humboldt County Code Title VIII, Division 1, Chapter 7, the Comprehensive Tobacco Retailer Licensing Ordinance

**RECOMMENDATION(S):**
That the Board of Supervisors:

1. Adopt the attached Ordinance Amending Section 817-13 of Chapter 7 of Title VIII, Division 1 of the Humboldt County Code "Tobacco Retailer Licensing" Regulating Tobacco Product Sales and Requiring the Licensure of Tobacco Retailers; and
2. Direct the Clerk of the Board of Supervisors to publish a post-adoption summary of the ordinance within fifteen (15) days after the adoption of the ordinance with names of Supervisors voting for and against the ordinance, and to post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the ordinance [Government Code Section 25124(b)(1)].

**STRATEGIC PLAN:**
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1006 - Implement Live Well Humboldt - Community Health Improvement Plan

**DISCUSSION:**
On July 11, 2023, the Board of Supervisors adopted the Comprehensive Tobacco Retailer Licensing Ordinance.

On January 9, 2024, the Board of Supervisors adopted Resolution 24-4 titled Resolution of the Humboldt County Board of Supervisors Addressing the Sale, Distribution and Use of Nitrous Oxide in Humboldt County.

On May 6, 2025, DHHS - Public Health Branch introduced the Comprehensive Nitrous Oxide Ordinance that will make it unlawful for any person in the County of Humboldt, with exceptions, to sell or attempt to sell, offer, distribute or provide Nitrous Oxide to any person.
Also on May 6, 2025, the Department of Health and Human Services (DHHS) - Public Health Branch brought forth an Amendment to the Tobacco Retailer Licensing Ordinance to add language to section 817-13 that would allow for revocation of a tobacco retailer's license if the retailer violates the companion ordinance by engaging in the unauthorized sale of Nitrous Oxide. This amendment is before the Board for adoption today.

**SOURCE OF FUNDING:**

Public Health Funds (1175)

**FINANCIAL IMPACT:**

Narrative Explanation of Financial Impact:
There is no anticipated financial impact on the fiscal year (FY) 2025-26 or future FY revenue or expenditure budgets, including fee schedules, as this ordinance does not introduce new fines, fees or funding allocations. The primary objective is to allow for revocation of a tobacco retailer's license for violating the ordinance prohibiting the unauthorized sale of Nitrous Oxide. It is anticipated that there will be compliance with the nitrous oxide sales ban ordinance, and therefore have no impact to fee revenue.

**STAFFING IMPACT:**

Narrative Explanation of Staffing Impact:
Tobacco Retail Licensing involves staff from the DHHS - Public Health Division of Environmental Health, however, it is anticipated that the staffing impacts related to the amendment of this ordinance would be minimal.

**OTHER AGENCY INVOLVEMENT:**

N/A

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board may choose not to amend the Tobacco Retail Licensing Ordinance in support of the Comprehensive Nitrous Oxide Ordinance, however, it is anticipated this would result in continued prevalence and ease of access to Nitrous Oxide in Humboldt County.

**ATTACHMENTS:**

1. Amendment to Ordinance No. 2718
2. Post-Adoption Summary

**PREVIOUS ACTION/REFERRAL:**

Meeting of: 1/9/2024, 2/27/24, 5/21/24, 6/4/2024, 5/6/2025
File No.: 24-5, 24-181, 24-863, 24-864, 25-602