

Whippet Policy/Ordinance Research

- I. **City Ordinances**
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I. **City Ordinances**

Rialto, California: Code of Ordinances Chapter 9.43A

[Rialto, CA Code of Ordinances](#)

[Article about ordinance](#)

- 9.43A.020 - Sale or distribution of nitrous oxide.
- 9.43A.030 - Exceptions: health care professionals, pharmacists, people under express exemption pursuant to Cal. Penal Code § 381b-e (see II. State Legislation below)
- 9.43A.040 - Violations and penalties: misdemeanor and upon conviction punishable by county jail or by a fine of \$1000, or both.
- Passed March 2017
- Rialto, California is in San Bernardino county, 56 mi east of LA, population 100,000 in 2010

Washington, Ohio: Code of Ordinances § 138.11

<https://codelibrary.amlegal.com/codes/washingtonch/latest/washingtonC>

[H oh/0-0-0-7357](#)

1. Improper Dispensing or Distribution

- Took effect on July 1, 2001
- Dispensing or distributing nitrous oxide requires that you
 - record each transaction involving the dispensing or distribution of the nitrous oxide on a separate card and make them available during normal business hours for inspection and copying by officers or employees of the State Board of Pharmacy or of other

law enforcement agencies that are authorized to investigate violations of this code

- Include the following printed warning: “Nitrous oxide cartridges are to be used only for purposes of preparing food. Nitrous oxide cartridges may not be sold to persons under age 21. Do not inhale contents. Misuse can be dangerous to your health.”

* Any person who violates this section is guilty of improperly dispensing or distributing nitrous oxide, a misdemeanor of the fourth degree *

2. Possession in a Motor Vehicle

- Unless authorized by this code or by state law, no person shall possess on open cartridge of nitrous oxide in either of the following circumstances:

- While operating or being a passenger in or on a motor vehicle on a street, highway, or other public property public or private property open to the public for purposes of vehicular traffic or parking.
- While being in or on a stationary motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking.

* Whoever violates this division (B) is guilty of possessing nitrous oxide in a motor vehicle, a misdemeanor of the fourth degree and the court may suspend for not more than five years the offender’s driver’s or commercial driver’s license or permit.*

II. State Legislation

California Penal Code §381b.

[CA Penal Code](#)

[Criminal Defense Firm - details punishments](#)

- Any person who possesses nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner,

changing, distorting, or disturbing the audio, visual, or mental processes, or who knowingly and with the intent to do so is under the influence of nitrous oxide or any material containing nitrous oxide is guilty of a misdemeanor.

- Punishable by up to six (6) months in county jail, to possess Nitrous Oxide with the intent to inhale it and get high
- A business can lose its state license if convicted twice of selling Nitrous Oxide to a minor
- Under Title 10. Of Crimes Against the Public Health and Safety

California Legislature: SB-193

[SB-193 Bill Text](#)

- This bill would make it a misdemeanor for a retailer of tobacco or tobacco-related products, as defined, to sell, or offer for sale, nitrous oxide, as specified. By creating a new crime, the bill would impose a state-mandated local program.
- The bill would require the court, with exceptions, to order the suspension of the business license of a person who knowingly commits that offense after having been previously convicted of the offense.
- Introduced by Senator Nielsen 2019

CA Law Enforcement having trouble enforcing law

<https://drugfree.org/drug-and-alcohol-news/law-enforcement-has-few-tools-to-crack-down-on-nitrous-oxide-abuse/>

- A person selling nitrous oxide used by someone to get high can be charged with a misdemeanor violation of the federal Food, Drug and Cosmetic Act, which carries a maximum penalty of one year in prison and up to a \$100,000 fine.
- While possessing nitrous oxide with the intent to ingest it for non-medical or dental reasons is a misdemeanor in California, intent is difficult to prove, the article notes. In 2009, the state passed a law that makes it a misdemeanor to sell nitrous oxide to a minor.

Sheriff breaking up nitrous oxide parties in LA. Other inhalants feron and computer dusting equipment in aerosol form being abused.

Car accidents, rapes and assaults up and attributed to inhalant abuse
<https://www.usatoday.com/story/news/nation/2013/03/22/nitrous-oxide/2009589/>

- Los Angeles County Sheriff's officials have zeroed in on the recreational use of the drug since September, cracking down on more than 350 illegal parties, nearly all of which were selling nitrous oxide
- Sheriff's deputies are currently tracking one distributor who is making more than \$60,000 a month in the bulk sale of nitrous oxide, said Sgt. Glenn Walsh who works in the Sheriff's Department's narcotics bureau.
- Sheriff's officials believe they have prevented at least 30 violent and sexual assaults in the last six months because of their efforts to shut down such nitrous oxide-related illegal parties before they happen.
- Sheriff's Lt. Rod Armalin said that the department is working on legislation to increase the penalties from a misdemeanor

Florida State Statute: Title XLVI Chapter 877.111

[The 2020 Florida Statutes](#)

- Unlawful for any person to inhale or ingest, or to possess with intent to breathe, inhale, or drink, any compound, liquid, or chemical containing... nitrous oxide... for the purpose of inducing a condition of intoxication or which distorts or disturbs the auditory, visual, or mental processes
- Unlawful for any person to possess, buy, sell, or otherwise transfer for the purpose of inducing or aiding any other person to violate the provisions of subsection (1)
- Exceptions: possession and use of these substances as part of the care or treatment of a disease or injury by a licensed practitioner or to beverages controlled by the provisions of chapter 561, chapter 562, chapter 563, chapter 564, or chapter 565.
- Any person who violates commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

- Any person who knowingly distributes, sells, purchases, transfers, or possesses more than 16 grams of nitrous oxide commits a felony of the third degree punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#)
- Any person who violates any of the provisions of this section may, in the discretion of the trial judge, be required to participate in a substance abuse services program approved or regulated by the Department of Children and Families

New York Senate: Bill S2819

[NY Senate Bill S2819](#)

- Prohibiting the sale of whipped cream chargers to persons under the age of twenty-one
- Entities found in violation of selling whipped cream chargers to persons under 21 would be subject to a civil penalty of up to \$250 for an initial offense and up to \$500 for each subsequent offense
- S2819 for 2021-2022 Legislative Session
 - Jan. 25, 2021 Referred to Consumer Affairs and Protection
 - In committee
- S5151 for 2019-2020 Legislative Session
 - July 21, 2020 Referred to Consumer Affairs and Protection
 - Passed Senate
 - Delivered to Assembly
- Sponsored by NYS Senator Joseph P. Addabbo, Jr.

Oregon State Legislature: HB3030

[Full HB3030 Bill](#)

[Oregon Legislative Info HB3030](#)

- Prohibits business that makes retail sales of nitrous oxide canisters from which individual may directly inhale nitrous oxide, or employee of business, from selling or delivering nitrous oxide canister to individual who is under 18 years of age

- Punishes by maximum of \$2,000 fine or, if at time of sentencing person has been convicted and sentenced during prior proceeding, 30 days' imprisonment, \$1,250 fine, or both
- Effective January 2018

III. International Law

See more links for international laws

https://erowid.org/chemicals/nitrous/nitrous_law.shtml

UK Laws not working

<https://www.bbc.com/news/uk-england-manchester-46591871>

- Legislation introduced in 2016 made it illegal to sell the gas, also known as "noz", for psychoactive purposes.
 - Clearly failing to stop supply as nitrous oxide was easily bought by phone, online and in person at two Manchester shops.
- Its supply is difficult to control because it has legal uses - to produce whipped cream in the catering industry, and in medicine as an anaesthetic.
- called for the sale of nitrous oxide to be licensed to make "it much more rigorous, rather than what it currently is - a complete free-for-all".

BBC article Amazon and eBay 'must block illicit nitrous oxide sales'

<https://www.bbc.co.uk/news/amp/uk-wales-50422225>

- Nitrous oxide is sold on Amazon and eBay alongside the "crackers" and balloons used to take it.
- Legislation introduced in 2016 made it illegal to sell as a high.
- Prosecutors say the law is not working because its legal uses make enforcement tricky.
- Amazon has since removed the product being sold as a package of nos canisters and balloons.

- An eBay spokesman said: "Listings encouraging illegal activity are banned from eBay's platform. "We have removed the items and are taking enforcement action against the sellers."
- Can flout the law by selling items separately or posting disclaimers against misuse.