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May 14, 2026

The Honorable Tom Umberg
California State Senate
1021 O Street, Suite 6610
Sacramento, CA 95814

RE: Senate Bill 758 (Umberg): Public health: nitrous oxide – SUPPORT

Dear Senator Umberg:

On behalf of the City of Sunnyvale, we want to express our support of Senate Bill 758, which takes an important step to protect public health and safety by restricting the retail sale of nitrous oxide in tobacco retail settings.

Larry Klein
Mayor

Richard Mehlinger
Vice Mayor

Alysa Cisneros
Councilmember

Murali Srinivasan
Councilmember

Linda Sell
Councilmember

Charlsie Chang
Councilmember

Eileen Le
Councilmember

SB 758 addresses a growing concern regarding the misuse of nitrous oxide, particularly among youth and young adults. While nitrous oxide has legitimate uses in medical and food preparation settings, it is increasingly being misused for recreational intoxication, leading to serious health risks including neurological, cardiovascular, and psychiatric harm. By prohibiting tobacco retailers from selling nitrous oxide, the bill helps reduce access points that have contributed to its widespread availability and misuse.

The City of Sunnyvale is particularly supportive of the bill's targeted approach. Tobacco retailers often sell products that are already associated with youth access concerns, and limiting the availability of nitrous oxide in these environments is a logical and effective step toward reducing harm. At the same time, SB 758 appropriately preserves access for legitimate uses by exempting grocery stores and general retail establishments with grocery departments.

This position is also consistent with the City's General Plan policies to preserve and enhance an attractive community and protect residential neighborhoods from incompatible uses. General Plan Goal LT-4 promotes an attractive community for residents and businesses through good urban design and preservation of community character, while Policy LT-4.1 and LT-4.1a support maintaining safe, well-maintained neighborhoods and commercial districts through effective code enforcement and beautification efforts. Additionally, Policy LT-6.2 seeks to limit the intrusion of

incompatible uses near residential neighborhoods. SB 758 supports these objectives by reducing access to nitrous oxide in retail environments commonly associated with youth exposure and substance misuse.

Recent studies demonstrate a sustained and substantial increase in reported intentional nitrous oxide abuse/misuse over two decades in the United States, with a notable rise in cases involving neurologic injury and functional impairment. The high proportion of single-substance exposures and limited use of targeted treatment suggest under-recognition of both the diagnosis and its potential severity. Emerging formulations, including flavored high-volume tanks, may be contributing to this trend. So too does the under-recognition. Parents and caregivers are all too frequently unaware that nitrous oxide is readily available for sale at vape shops, convenience stores and gas stations from coast to coast, marketed with bright packaging and enticing flavors that appeal to young people.

Local governments continue to see the impacts of substance misuse in our communities. But are also the first to feel the impacts of meaningful policies that reduce access to harmful products play a critical role in prevention. SB 758 complements existing laws that regulate the sale and distribution of nitrous oxide while strengthening safeguards to prevent misuse and protect vulnerable populations.

For these reasons, the City of Sunnyvale respectfully urges your support for SB 758. Thank you for your leadership in advancing policies that promote public health and community well-being. Please do not hesitate to contact me or Rebecca Moon, City Attorney at cityatty@sunnyvale.ca.gov if you have any questions.

Sincerely,



Larry Klein
Mayor

cc: Senator Dr. Aisha Wahab
Assembly Member Patrick Ahrens
City Council

Tim Kirby, City Manager
Rebecca Moon, City Attorney
Sarah Johnson-Rios, Assistant City Manager
Connie Verceles, Assistant City Manager