



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Councilmember Tordillos
Councilmember Cohen
Councilmember Ortiz
Councilmember Mulcahy

SUBJECT: SEE BELOW

DATE: October 31, 2025

Approved:

SUBJECT: Amendment to the San José Municipal Code to Prohibit the Sale and Distribution of Nitrous Oxide

RECOMMENDATIONS:

1. Accept staff's recommendations.
2. Direct the City Manager to explore and implement appropriate interdepartmental mechanisms between the Code Enforcement Division and the San José Police Department to ensure consistent enforcement and tracking of violations under Chapter 6.89, including but not limited to the coordination of inspections, product seizure procedures, and case documentation.
 - a. Report back to the Neighborhood Services and Education Committee as part of the April 2026 annual report.
3. Direct staff to explore potential local, state, and federal grant funding sources, including the Opioid Overdose Prevention Grant Program, to support enhanced enforcement, education, and media outreach efforts related to preventing the distribution of nitrous oxide for recreational use.

BACKGROUND:

On August 6, 2025, the San José Police Department arrested five people and seized multiple controlled substances, including hundreds of canisters of nitrous oxide intended for illegal use alongside an illegal firearm. It is clear from this police action, ongoing community feedback, and deeply personal experiences shared by parents of youth affected by nitrous oxide misuse that we have gaps and inconsistencies in enforcement of existing sales restrictions. The ever-increasing exposure of nitrous oxide and other illicit drugs to our youth is impacting their health, safety, and overall well-being. While the proposed ordinance establishes a framework for prohibiting the sale and distribution of nitrous oxide in smoke shops and similar retail establishments, enforcement has historically been weak. In many

cases, violations result only in modest fines that fail to deter repeat offenses, and product seizures are not always carried out consistently.

These gaps have raised concerns among residents and community advocates about the ineffectiveness of enforcement procedures and the adequacy of current policies and penalties. This memorandum is being brought forward to illustrate the urgent need to strengthen prevention, enforcement procedures, and education efforts. Beyond improving coordination between departments, greater public outreach is essential to ensure both residents and business owners are informed about the ordinance and understand how to report violations. A coordinated media outreach strategy will further expand awareness and support community efforts to protect the health of our community.

By taking these actions, the city can ensure that the ordinance is not only effectively implemented but that it also serves as a meaningful step toward protecting youth, promoting accountability, and safeguarding public health and safety.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.