



January 30, 2026

**Mayor**

Lauren Kleiman

**Mayor Pro Tem**

Noah Blom

**Council Members**

Michelle Barto

Robyn Grant

Joe Stapleton

Sara J. Weber

Erik Kenneth Weigand

The Honorable Thomas Umberg  
California State Senate  
1021 O Street, Suite 7510  
Sacramento, CA 95814

**RE: SB 758 (Umberg) Public health: kratom and nitrous oxide  
Notice of Support – City of Newport Beach**

Dear Senator Umberg,

On behalf of the City of Newport Beach, I write to express our support for SB 758 (Umberg), which would prohibit a licensed Cigarette and Tobacco retailer from selling nitrous oxide and would classify 7-hydroxymitragynine (7-OH) as a Schedule I controlled substance, except as it naturally occurs in the Kratom plant.

Nitrous oxide is an odorless, colorless chemical with established legitimate uses in food preparation and dentistry; however, its misuse through inhalation for intoxicating purposes has increased significantly in recent years. Cities across California have reported growing recreational use of nitrous oxide obtained from smoke shops and similar retail locations.

Recreational use of nitrous oxide is not only illegal but also extremely dangerous. Earlier this year, the U.S. Food and Drug Administration warned that inhaling nitrous oxide can result in severe health consequences, including neurological and nerve damage, spinal cord and brain injury, heart attack, and, in some cases, death.

Although current law prohibits the sale of nitrous oxide for recreational use, loopholes in the statutory framework allow products marketed for food preparation to be diverted into the recreational market. In response, at least twenty-five California cities have adopted ordinances restricting retail sales. However, effective enforcement requires clear and consistent statewide standards.

SB 758 also addresses the dangers associated with 7-hydroxymitragynine (7-OH), a psychoactive alkaloid found naturally in kratom. While kratom itself is lawfully sold and widely used, high

and concentrated forms of 7-OH have been linked to serious adverse health effects, including death. In July 2025, the FDA issued a warning regarding 7-OH, and the Los Angeles County Department of Public Health has since banned the substance following multiple fatalities.

The proliferation of nitrous oxide and kratom-derived products in smoke shops, combined with regulatory gaps, has made it difficult for local jurisdictions to protect public health. These products have also found their way into the hands of underage youth, with tragic consequences, including a fatal incident involving suspected nitrous oxide use in neighboring Orange County. For these reasons, the City of Newport Beach supports SB 758 (Umberg).

Sincerely,

Lauren Kleiman



Mayor  
City of Newport Beach

Cc: Newport Beach City Council