

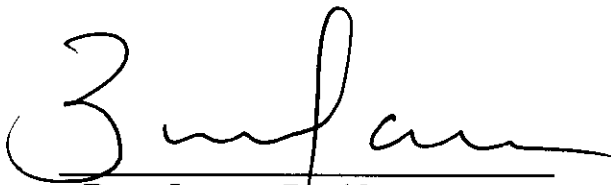
ORDER: APPROVE TEMPORARY MORATORIUM ON ORDINANCE PROHIBITING CERTAIN USES OF NITROUS OXIDE CONTINGENT UPON PUBLIC HEARING AT LATER DATE

Motion was made by John Morgan, duly seconded by Greg Bynum, to approve temporary moratorium on Ordinance prohibiting certain uses of Nitrous Oxide contingent upon Public Hearing at later date.

The vote on the motion was as follows:

Supervisor Brent Larson, voted yes
Supervisor John Morgan, voted yes
Supervisor Tim Gordon, voted yes
Supervisor Scott Allen, voted yes
Supervisor Greg Bynum, voted yes

After the vote, President Larson, declared the motion carried, this the 17th day of February, 2026.



**Brent Larson, President
Board of Supervisors**



Mike Roberts, Chancery Clerk

**ORDINANCE PROHIBITING CERTAIN USES, PURCHASE,
POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF
NITROUS OXIDE PRODUCTS**

The Board of Supervisors of Lafayette County, Mississippi hereby finds and declares the following:

WHEREAS, the Board of Supervisors of Lafayette County, Mississippi is authorized pursuant to Sections 19-3-40 and 19-3-41 of Mississippi Code Annotated to make and enforce ordinances and policies in furtherance of the public health and welfare of the residents living within the unincorporated areas of Lafayette County; and

WHEREAS, nitrous oxide is an odorless, colorless chemical that can be inhaled for legitimate purposes associated with medical and dental procedures, and is legitimately used for industrial purposes and as a propellant for use in food product containers; and

WHEREAS, nitrous oxide is also subject to misuse and abuse as an inhalant given its intoxicating, hallucinogenic, psychoactive and euphoric effects when ingested; and

WHEREAS, the recreational use of nitrous oxide has been found to cause serious health effects such as cardiac arrhythmias, seizures, brain damage, paralysis, and death, as well as other effects, including euphoria, nausea, disorientation, lung injury, anxiety, depression, hallucinations, paranoia, weakened immune function and hematologic abnormalities; and

WHEREAS, the recreational use and abuse of nitrous oxide has significantly increased during the past five years along with an increasing medical/scientific understanding of the serious health effects of the recreational use and abuse of nitrous oxide; and

WHEREAS, pursuant to Sections 19-3-40 and 19-3-41 of the Mississippi Code Annotated (1972), this Ordinance is deemed to be necessary for the immediate and temporary preservation of the public peace, health and safety and shall become effective immediately upon its adoption, and prior to being recorded and published, as the best interests of the public will be served by the immediate effectiveness of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF LAFAYETTE COUNTY, MISSISSIPPI, EFFECTIVE ON AND AFTER _____, 2026, TO-WIT:

SECTION 1: Definitions

- (a) "Nitrous Oxide" means the colorless, nonflammable gas (N₂O) which may be used in aerosols or as an aesthetic which, when inhaled or ingested, produces psychoactive, euphoric, or intoxicating effects. Nitrous Oxide includes the following: amyl nitrite, alkyl nitrites, butyl nitrite and isobutyl nitrite, and any mixture or preparation containing such substance.

- (b) "Device" means to a cartridge, compressed gas cylinder, apparatus, container, balloon, or other object used to contain and/or disperse and/or administer nitrous oxide.
- (c) "Sell" or "Sale" means to distribute, transfer, offer for sale, or possess with intent to sell.
- (d) "Recreational purpose" means the use of nitrous oxide for a non-exempted purpose.

SECTION 2: Possession or Use of Nitrous Oxide

- (a) Subject to Section 4, it shall be unlawful and a violation of this Ordinance for any person (1) to possess nitrous oxide, or any product or device containing nitrous oxide, with the intent to inhale or ingest nitrous oxide for the purpose of causing intoxication, euphoria, dizziness, or stupefaction, or (2) who knowingly and with the intent to do so is under the influence of nitrous oxide.
- (b) Rebuttable Presumption: The presence of any of the following shall create a rebuttable presumption of an intent to possess for the purpose of inhaling or ingesting nitrous oxide for a recreational purpose:
 - (1) The product or substance contains flavoring, labeling, packaging, or marking on the container referring to the product as flavored;
 - (2) The nitrous oxide substance is in a container with a capacity exceeding a single -use or food preparation application;
 - (3) The nitrous oxide product or substance is in a container designed to facilitate portability, repeated dispensing, or direct release of the substance, including, but not limited to, the inclusion of handles, grips, valves, nozzles, or release mechanisms capable of dispensing gas without the use of food preparation equipment;
 - (4) The nitrous oxide substance or product is possessed in a manner inconsistent with the usual or ordinary food-service, medical, industrial, or scientific application.
- (c) A violation of this Section is deemed a misdemeanor, punishable as provided in Section 6.

SECTION 3: Unlawful Sale or Distribution of Nitrous Oxide

- (a) Subject to Section 4, it shall be unlawful and a violation of this ordinance for any person or entity to knowingly sell, offer for sale, manufacture, transfer, or

otherwise provide to any person nitrous oxide, or any product containing nitrous oxide, with the intent that the product will be used for recreational purposes.

- (b) Rebuttable Presumption: The presence of any of the following shall create a rebuttable presumption of an intent to sell, offer for sale, distribute, or otherwise provide, nitrous oxide, and products containing nitrous oxide, for a recreational use or purpose:
- (1) The product or substance contains flavoring, labeling, packaging, or marking on the container referring to the product as flavored;
 - (2) The nitrous oxide substance is in a container with a capacity exceeding a single -use or food preparation application;
 - (3) The nitrous oxide product or substance is in a container designed to facilitate portability, repeated dispensing, or direct release of the substance, including, but not limited to, the inclusion of handles, grips, valves, nozzles, or release mechanisms capable of dispensing gas without the use of food preparation equipment;
 - (4) The nitrous oxide substance or product is possessed in a manner inconsistent with the usual or ordinary food-service, medical, industrial, or scientific application.
- (c) A violation of this Section is deemed a misdemeanor, punishable as provided in Section 6.

SECTION 4: Exemptions

The prohibitions set forth in this Ordinance shall not apply to the following uses:

- (a) Medical, dental, pharmaceutical, or veterinary uses prescribed or administered by a licensed professional;
- (b) Legitimate food preparation or food-service uses, including the customary use of food-propellant cartridges and devices used by a person at least 21 years of age;
- (c) Industrial, automotive, scientific, or other similar lawful uses by a person at least 21 years of age;
- (d) The burden of establishing the applicability of an exemption rests with the individual or entity asserting the exemption.

SECTION 5: Enforcement

The Lafayette County Sheriff's Department shall be responsible for the investigation and enforcement of the provisions of this Ordinance.

SECTION 6: Penalties

- (a) The possession of nitrous oxide with the intent to inhale or ingest for a recreational purpose shall be a misdemeanor punishable by a fine of up to \$500.00 and/or not more than 10 (ten) days in jail.
- (b) The sale, offering for sale, distribution or manufacture of nitrous oxide shall be a misdemeanor punishable by a fine of up to \$1,000.00 and/or no more than 30 (thirty) days in jail.

SECTION 7: Immediate Effect

This Ordinance is deemed to be an emergency ordinance and shall therefore become effective immediately upon adoption. Upon adoption, this Ordinance will be published in the legal section of The Oxford Eagle and posted on the Lafayette County, Mississippi web site.

WHEREAS, the Ordinance Prohibiting Certain Uses, Purchase, Possession, Distribution, Sale or Offering for Sale of Nitrous Oxide was discussed and voted upon in a public meeting, and whereas a motion was duly made by Supervisor _____, seconded by Supervisor _____, and a vote was held thereon with the following results, to-wit:

- Supervisor Larson -- aye
- Supervisor Morgan -- aye
- Supervisor Bynum -- aye
- Supervisor Gordon -- aye
- Supervisor Allen -- aye

Adopted by the Lafayette County Board of Supervisors the __ day of _____, 2026.

**BRENT LARSON
PRESIDENT, BOARD OF SUPERVISORS
LAFAYETTE COUNTY, MISSISSIPPI**

ATTEST:

MIKE ROBERTS , CLERK