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HOUSE BILL NO. 2732

Offered January 17, 2025

A BILL to amend the Code of Virginia by adding a section numbered 18.2-251.6, relating to manufacturing, selling, distributing, or possessing flavored nitrous oxide; penalties.

Patrons—Higgins, Ennis, Green, Shin and Williams

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-251.6 as follows:

§ 18.2-251.6. Manufacturing, selling, distributing, or possessing flavored nitrous oxide; penalties.

A. Any person who knowingly manufactures, sells, distributes, or possesses with the intent to manufacture, sell, or distribute flavored nitrous oxide, when intended for human consumption, is guilty of a Class 5 felony.

B. Any person who knowingly possesses flavored nitrous oxide, when intended for human consumption, is guilty of a Class 6 felony.

C. This section shall not apply to nitrous oxide that has been denatured or otherwise rendered unfit for human consumption or to (i) any person or establishment that is licensed to sell, serve, or offer for sale food or drink for human consumption; (ii) any person engaged in the business of selling or distributing catering supplies only or food processing equipment only, or of selling or distributing compressed gases for industrial or medical use that sells or otherwise distributes nitrous oxide in the course of that business; or (iii) any health care professional while engaged in the performance of his official duties.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.