

**Department of Planning and Budget**  
**2025 General Assembly Session**  
**State Fiscal Impact Statement**

---

**PUBLISHED: 2/14/2025 11:15 AM**

**ORIGINAL**

**Bill Number:** SB1361H1

**Patron:** Pillion

**Bill Title:** Inhaling drugs or other noxious chemical substances or inviting others to do so.

**Bill Summary:** Includes nitrous oxide as a noxious chemical substance. This creates a Class 1 misdemeanor for any person deliberately inhaling nitrous oxide and a Class 2 misdemeanor for any person who deliberately invites another person to inhale nitrous oxide.

**Budget Amendment Necessary:** No.

**Items Impacted:** N/A

**Explanation:** N/A

**Fiscal Summary:** Proceeds of all fines and penalties collected for offenses committed against the Commonwealth are paid into the state treasury to the credit of the Literary Fund. There is an indeterminate amount of possible revenue from fines to the Literary Fund.

**Fiscal Analysis:** Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. Anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to six months in jail and a fine of not more than \$1,000, either or both.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

**Other:** None.