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

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Bill Number: SB1361ER **Patron:** Pillion
Bill Title: Inhaling drugs or other noxious chemical substances or causing, etc., others to do so; distribution of nitrous oxide to persons under 18 prohibited; penalties.

Bill Summary: Prohibits the sale or distribution of nitrous oxide to persons under 18 years of age with exceptions as defined in the bill. Any person who fails to make diligent inquiry as to whether the person trying to obtain nitrous oxide is 18 years of age or older or sells, distributes, or attempts to sell or distribute nitrous oxide to a person under 18 years of age is guilty of a Class 1 misdemeanor. Any person who deliberately smells or inhales noxious chemical substances is guilty of a Class 1 misdemeanor. Any person who deliberately invites another person to smell or inhale noxious chemical substances is guilty of a Class 2 misdemeanor.

The bill adds nitrous oxide to the list of noxious chemical substances.

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.