

2026 SESSION

INTRODUCED

26102781D

1 **HOUSE BILL NO. 648**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 18.2-264 of the Code of Virginia, relating to distributing nitrous oxide*
5 *prohibited; penalties.*

6 Patron—Kent

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 18.2-264 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 18.2-264. Inhaling drugs or other noxious chemical substances or causing, etc., others to do so**
11 **prohibited; distributing nitrous oxide prohibited; penalties.**

12 *A. For the purposes of this section, "noxious chemical substances" includes fingernail polish and model*
13 *airplane glue and chemicals containing any ketones, aldehydes, organic acetates, ether, chlorinated*
14 *hydrocarbons or vapors, fluorinated hydrocarbons or vapors, nitrous oxide, or hydrogenated fluorocarbons.*

15 *B. It is unlawful, except under the direction of a practitioner as defined in § 54.1-3401, for any person*
16 *deliberately to smell or inhale any drugs or any other noxious chemical substances with the intent to become*
17 *intoxicated, inebriated, excited, or stupefied or to dull the brain or nervous system.*

18 Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

19 *C. It is unlawful for any person, other than one duly licensed, deliberately to cause, invite, or induce*
20 *any person to smell or inhale any drugs or any other noxious chemical substances with the intent to*
21 *intoxicate, inebriate, excite, stupefy, or dull the brain or nervous system of such person.*

22 Any person violating the provisions of this subsection is guilty of a Class 2 misdemeanor.

23 *D. 1. It is unlawful for any person to sell, distribute, or offer to sell or distribute a device that is*
24 *designed or intended to deliver a gas containing nitrous oxide to any person ~~under 18 years of age~~ for any*
25 *purpose.*

26 *2. This subsection shall not apply to (i) a device, as described in subdivision 1, for nitrous oxide that is*
27 *denatured or otherwise rendered unfit for human consumption or (ii) any person or establishment that is (a)*
28 *solely engaged in the business of selling or distributing catering supplies, food processing equipment, or*
29 *compressed gases for industrial or medical use or (b) a health care provider as defined in § 32.1-127.1:03.*

30 *3. Any person who ~~fails to make diligent inquiry as to whether the person trying to obtain a device as~~*
31 *~~described in subdivision 1 is 18 years of age or older or~~ violates the provisions of this subsection is guilty of a*
32 *Class 1 misdemeanor.*

33 **D. For purposes of this section:**

34 *"Diligent inquiry" means a good faith effort to determine the age of a person that includes an examination*
35 *of any valid photo identification that establishes the identity and age of such person.*

36 *"Noxious chemical substances" includes fingernail polish and model airplane glue and chemicals*
37 *containing any ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons or vapors, fluorinated*
38 *hydrocarbons or vapors, nitrous oxide, or hydrogenated fluorocarbons.*

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