

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB106

Patron: Stanley

Bill Title: Selling, giving, or distributing a tianeptine product; penalties.

Bill Summary: Makes it a Class 2 misdemeanor to knowingly sell, give, or distribute, without a prescription, a tianeptine product, defined in the bill. Under the bill, a retail establishment that knowingly sells, gives, or distributes a tianeptine product, without a prescription, is subject to a civil penalty in the amount of \$500 for a first violation and a civil penalty in the amount of \$2,500 for a second or subsequent violation within a three-year period. The bill adds an additional penalty of \$100 for the employee of any retail establishment who knowingly sold, gave, or distributed a tianeptine product.

Budget Amendment Necessary: No

Items Impacted: None

Explanation: See below

Fiscal Summary:

There is not enough information available to reliably estimate the increase in jail population or fine revenue as a result of this proposal that creates an additional Class 2 misdemeanor.

Fiscal Analysis:

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. This proposal also creates specific fines for retail establishments that knowingly sells, gives, or distributes a tianeptine product, without a prescription. These facilities would be subject to a \$500 civil penalty for a first violation and a \$2,500 civil penalty for a second or subsequent violation within a three-year period. It also creates a \$100 civil penalty for the employee selling the tianeptine product at such establishments.

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 misdemeanor 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 2025), the estimated total state support for local jails averaged \$58.25 per inmate, per day in FY 2024.

Other: None