

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

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ORIGINAL

Bill Number: SB360
Bill Title: Distributing

Patron: Stuart

Bill Summary: Nitrous oxide prohibited; penalties. Prohibits the sale, distribution, or offering for sale or distribution of a device that is designed or intended to deliver a gas containing nitrous oxide, with certain exceptions as described in current law, to any person. Under current law, such prohibition only applies to the sale, distribution, or offering for sale or distribution of such a device to any person younger than 18 years of age. Under the provisions of the bill, any person who sells, distributes, or attempts to sell or distribute such a device is guilty of a Class 1 misdemeanor. The bill also removes fingernail polish and model airplane glue from the list of substances defined as "noxious chemical substances" as such definition relates to crimes involving smelling or inhaling or inducing another to smell or inhale any such substance with the intent to become intoxicated.

Budget Amendment Necessary: No
Explanation: See below

Items Impacted: None

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 1 misdemeanor.

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.

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

Other: Companion to HB648.