

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

PUBLISHED: 2/10/2026 3:45 PM

ORIGINAL

Bill Number: SB833S1

Patron: Roem

Bill Title: Open containers; prohibition on consumption and possession in the passenger area of motor vehicles.

Bill Summary: During delivery of wine and beer from any brewery, winery, or farm winery to consumers within the Commonwealth for person off-premises consumption, alcoholic beverages may not be stored in the "passenger area" of a vehicle as defined 23 U.S.C. § 154(a)(4) and (b)(2) and 20 C.F.R. 1270(g). Additionally, It is unlawful for any person to (i) consume an alcoholic beverage while driving a motor vehicle or (ii) knowingly or intentionally possess any alcoholic beverage other than in the manufacturer's unopened original container in a motor vehicle in the "passenger area" as defined 23 U.S.C. § 154(a)(4) and (b)(2) and 20 C.F.R. 1270(g), upon a public highway of the Commonwealth, including the shoulder thereof, as defined in § 46.2-100. If the seal on a container of an alcoholic beverage is broken or some of the contents have been removed, the container shall be presumed to be open. The substitute bill adds that It is unlawful for any person to knowingly or intentionally possess any marijuana or marijuana products other than in the manufacturer's unopened original container in a motor vehicle in the passenger area, as defined in 23 U.S.C. §§ 154(a)(4) and (b)(2) and 23 C.F.R. § 1270.3(g), upon a highway of the Commonwealth, including the shoulder thereof, as "highway" and "shoulder" are defined in § 46.2-100. If the seal on a container of marijuana or marijuana products is broken or some of the contents have been removed, the container shall be presumed to be open.

Budget Amendment Necessary: No

Items Impacted: None

Explanation: See below

Fiscal Summary:

This proposal would have an indeterminant impact on the Literary Fund revenues.

Fiscal Analysis:

Drinking or consuming marijuana while operating a motor vehicle and possession of open container of alcohol or marijuana in a motor vehicle are punishable as a Class 4 misdemeanors. A Class 4 misdemeanor is punishable by a fine of up to \$250. These offenses do not carry jail time. All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation. Therefore, the impact of this bill cannot be determined.

The second enactment of the bill directs a portion of federal funding to the Virginia Highway Safety Improvement Program which is a component of the Virginia Department of Transportation's (VDOT) construction programs. Funding for construction programs is established holistically by the Commonwealth Transportation Board from state and federal funding sources. The direction of a specific set of funds to an

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

individual program would have a net neutral impact in the overall construction formula amounts as the remaining funding would be distributed to the other programs.

Other: None