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

PUBLISHED: 2/12/2026 4:54 PM **ORIGINAL**

Bill Number: HB648H1 **Patron:** Kent
Bill Title: Distributing nitrous oxide prohibited; penalties.

Bill Summary: The substitute bill prohibits the sale or distribution of a device that is designed or intended to deliver a gas containing nitrous oxide as well as flavored nitrous oxide and containers of nitrous oxide that exceeds 8 grams with exceptions as defined in the bill. Any person who sells, distributes, or attempts to sell or distribute such a device is guilty of a Class 1 misdemeanor.

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 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: None