
By: Senators Haines, Jimeno, and Ferguson

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Driving While Under the Influence of an Inhalant**

3 FOR the purpose of making it a misdemeanor for a person to drive or attempt to drive a
4 motor vehicle while under the influence of an inhalant; expanding a prohibition
5 against driving while intoxicated to make it applicable to driving while intoxicated
6 by any substance or combination of substances; defining a certain term; and
7 generally relating to motor vehicles and driving while under the influence of an
8 inhalant.

9 BY repealing and reenacting, without amendments,

10 Article 27 - Crimes and Punishments

11 Section 301

12 Annotated Code of Maryland

13 (1996 Replacement Volume)

14 BY repealing and reenacting, with amendments,

15 Article - Transportation

16 Section 21-902

17 Annotated Code of Maryland

18 (1992 Replacement Volume and 1996 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article - Transportation

21 Section 27-101(a) and (b)

22 Annotated Code of Maryland

23 (1992 Replacement Volume and 1996 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article 27 - Crimes and Punishments**

27 301.

28 (a) It is unlawful for any person to deliberately smell or inhale such excessive
29 quantities of any drugs, or any other noxious substances or chemicals containing wholly or

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1 in part any ketones, aldehydes, butyl nitrite, nitrous oxide, methyl benzene, organic
2 acetates, ether, chlorinated hydrocarbons, fluorinated hydrocarbons, or any other
3 substances containing solvents releasing toxic vapors, as cause conditions of intoxication,
4 inebriation, excitement, stupefaction or dulling of the brain or nervous system. This
5 section applies with particularity to fingernail polish, model airplane glue, or any other
6 substance or chemical which has the aforementioned effect upon the brain or nervous
7 system when smelled or inhaled; provided, that nothing in this section shall be interpreted
8 as applying to the inhalation of any anaesthesia for medical or dental purposes, and
9 further provided, that nothing in this section shall be interpreted as applying to the
10 controlled dangerous substances as defined in this subheading.

11 (b) Any person violating any provision of this section is guilty of a misdemeanor
12 and, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not
13 exceeding six months, or both.

14 **Article - Transportation**

15 21-902.

16 (a) (1) A person may not drive or attempt to drive any vehicle while intoxicated
17 BY ANY SUBSTANCE OR COMBINATION OF SUBSTANCES.

18 (2) A person may not drive or attempt to drive any vehicle while the person
19 is intoxicated per se.

20 (b) A person may not drive or attempt to drive any vehicle while under the
21 influence of alcohol.

22 (c) (1) A person may not drive or attempt to drive any vehicle while he is so far
23 under the influence of any drug, any combination of drugs, or a combination of one or
24 more drugs and alcohol that he cannot drive a vehicle safely.

25 (2) It is not a defense to any charge of violating this subsection that the
26 person charged is or was entitled under the laws of this State to use the drug, combination
27 of drugs, or combination of one or more drugs and alcohol, unless the person was
28 unaware that the drug or combination would make him incapable of safely driving a
29 vehicle.

30 (d) A person may not drive or attempt to drive any vehicle while he is under the
31 influence of any controlled dangerous substance, as that term is defined in Article 27, §
32 279 of the Code, if the person is not entitled to use the controlled dangerous substance
33 under the laws of this State.

34 (E) (1) IN THIS SUBSECTION, "INHALANT" MEANS ANY DRUG, SUBSTANCE,
35 OR CHEMICAL THAT A PERSON IS PROHIBITED FROM DELIBERATELY SMELLING OR
36 INHALING UNDER ARTICLE 27, § 301 OF THE CODE.

37 (2) A PERSON MAY NOT DRIVE OR ATTEMPT TO DRIVE ANY VEHICLE
38 WHILE THE PERSON IS UNDER THE INFLUENCE OF AN INHALANT.

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1 27-101.

2 (a) It is a misdemeanor for any person to violate any of the provisions of the
3 Maryland Vehicle Law unless the violation is declared to be a felony by the Maryland
4 Vehicle Law or by any other law of this State.

5 (b) Except as otherwise provided in this section, any person convicted of a
6 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is
7 subject to a fine of not more than \$500.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1997.