

EMERGENCY BILL

(PRE-FILED)

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6lr0626

By: Chairman, Judicial Proceedings Committee (Departmental - State Police, Dept. of)

Requested: October 17, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Inhalants - Nitrous Oxide**

3 FOR the purpose of including nitrous oxide in the list of inhalants and noxious substances
4 that may not be smelled or inhaled; clarifying that the prohibition pertains to any
5 substance or chemical that contains, wholly or in part, certain substances; expanding
6 the prohibition on distributing certain inhalants and noxious substances to minors to
7 apply also to distribution to adults; making this act an emergency measure; and
8 generally relating to inhalants and nitrous oxide.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 301 and 301A
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 27 - Crimes and Punishments**

17 301.

18 (a) It is unlawful for any person to deliberately smell or inhale such excessive
19 quantities of any drugs, or any other noxious substances or chemicals containing WHOLLY
20 OR IN PART any ketones, aldehydes, butyl nitrite, NITROUS OXIDE, methylbenzene,
21 organic acetates, ether, chlorinated hydrocarbons, fluorinated hydrocarbons, or any other
22 substances containing solvents releasing toxic vapors, as cause conditions of intoxication,
23 inebriation, excitement, stupefaction or dulling of the brain or nervous system. This
24 section applies with particularity to fingernail polish, model airplane glue, or any other
25 substance or chemical which has the aforementioned effect upon the brain or nervous
26 system when smelled or inhaled; provided, that nothing in this section shall be interpreted
27 as applying to the inhalation of any anaesthesia for medical or dental purposes, and
28 further provided, that nothing in this section shall be interpreted as applying to the
29 controlled dangerous substances as defined in this subheading.

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

4 301A.

5 (a) No person may distribute, or possess with intent to distribute, to any [minor]
6 OTHER PERSON any of the substances enumerated in § 301 of this article if such
7 distribution is with the intent to induce unlawful inhaling of the substance or is with the
8 knowledge that the [minor] OTHER PERSON will unlawfully inhale the substance.

9 (b) No person may instruct [a minor] ANOTHER PERSON in the practice of
10 unlawful inhaling as defined in § 301 of this article.

11 (c) [Any] A person [violating] WHO VIOLATES any provision of this section is
12 guilty of a misdemeanor and, upon conviction, is subject to a fine not exceeding \$500, or
13 imprisonment not exceeding 18 months, or both.

14 (d) [Any] A person found guilty of a second or subsequent violation of any
15 provision of this section is subject to a fine not exceeding \$1,000, or imprisonment not
16 exceeding 3 years, or both.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
18 measure, is necessary for the immediate preservation of the public health and safety, has
19 been passed by a ye and nay vote supported by three-fifths of all the members elected to
20 each of the two Houses of the General Assembly, and shall take effect from the date it is
21 enacted.