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**By: Senator Collins**

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Butane Lighters and Canisters - Distribution to Minors**

3 FOR the purpose of including butane in the list of inhalants and noxious substances that  
4 may not be smelled or inhaled; prohibiting the distribution of butane lighters and  
5 butane replacement canisters to minors; establishing penalties for violation of the  
6 prohibition; and generally relating to inhalation of butane and distribution of  
7 butane lighters and butane replacement canisters to minors.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 301 and 301A  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume)

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

15 **Article 27 - Crimes and Punishments**

16 301.

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

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

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1 301A.

2 (a) [No person may] A PERSON MAY NOT distribute, or possess with intent to  
3 distribute, to any other person any of the substances enumerated in § 301 of this article if  
4 such distribution is with the intent to induce unlawful inhaling of the substance or is with  
5 the knowledge that the other person will unlawfully inhale the substance.

6 (b) [No person may] A PERSON MAY NOT instruct another person in the  
7 practice of unlawful inhaling as defined in § 301 of this article.

8 (C) A PERSON MAY NOT DISTRIBUTE A BUTANE LIGHTER OR A BUTANE  
9 REPLACEMENT CANISTER TO A MINOR.

10 [(c)] (D) (1) A person who violates [any provision] SUBSECTION (A) OR (B) of  
11 this section is guilty of a misdemeanor and, upon conviction, is subject to a fine not  
12 exceeding \$500, or imprisonment not exceeding 18 months, or both.

13 [(d)] (2) A person found guilty of a second or subsequent violation of [any  
14 provision] SUBSECTION (A) OR (B) of this section is subject to a fine not exceeding  
15 \$1,000, or imprisonment not exceeding 3 years, or both.

16 (3) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS  
17 GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, IS SUBJECT TO A FINE NOT  
18 EXCEEDING \$1,000, OR IMPRISONMENT NOT EXCEEDING 18 MONTHS, OR BOTH.

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