
By: ~~Senator Collins~~ Senators Collins, Colburn, Ferguson, Middlebrooks, and Stone

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 1997

CHAPTER ____

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

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1 system when smelled or inhaled; provided, that nothing in this section shall be interpreted
2 as applying to the inhalation of any anaesthesia for medical or dental purposes, and
3 further provided, that nothing in this section shall be interpreted as applying to the
4 controlled dangerous substances as defined in this subheading.

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

8 301A.

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

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

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

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

20 [(d)] (2) A person found guilty of a second or subsequent violation of [any
21 provision] SUBSECTION (A) OR (B) of this section is subject to a fine not exceeding
22 \$1,000, or imprisonment not exceeding 3 years, or both.

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

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