

MAINE STATE LEGISLATURE

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DATE: 5-20-97

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 241, L.D. 305, Bill, "An Act to Prohibit the Inhaling of Toxic Vapors for Effect"

Amend the amendment by striking out everything after the title and before the summary and inserting in its place the following:

'Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §2383-C is enacted to read:

§2383-C. Unlawful use or possession of inhalants by juveniles

1. Definitions. For the purpose of this section, "juvenile" means any individual who is younger than 18 years of age.

2. Prohibited acts. A juvenile may not intentionally or knowingly:

A. Inhale, ingest, apply or smell gases, vapors or fumes of any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors or fumes for the purpose of causing intoxication, euphoria, inebriation, excitement, stupefaction or the dulling of that juvenile's brain or nervous system; or

HOUSE AMENDMENT

2 B. Possess any gas, hazardous inhalant, substance containing
3 a volatile chemical or substance containing a chemical
4 material capable of releasing toxic vapors with the intent
5 to violate paragraph A.

6 3. Exclusions. Nothing in this section applies to the
7 inhalation of anesthesia for medical or dental purposes or the
8 inhalation of the vapors or fumes of an alcoholic beverage, the
9 sale and consumption of which is authorized by law.

10 4. Presumption regarding violations. Proof that a juvenile
11 intentionally or knowingly inhaled, ingested, applied or used a
12 substance in a manner contrary to the directions for use,
13 cautions or warnings on the label of a container of the substance
14 gives rise to a presumption that the juvenile violated subsection
15 2.

16 5. Presumption regarding ingredients. For the purposes of
17 this section, it is presumed that the ingredients in a container
18 are, in fact, the ingredients listed on a label of the container
19 or the ingredients listed for that substance in data bases
20 maintained or relied upon by a poison control center certified by
21 a national association of poison control centers.

22 6. Penalties. A juvenile who violates this section commits
23 a civil violation for which a forfeiture, which may not be
24 suspended, must be imposed as follows:

25 A. Not less than \$100 or more than \$300 for the first
26 offense;

27 B. Not less than \$200 or more than \$500 for the 2nd
28 offense; and

29 C. Five hundred dollars for the 3rd and each subsequent
30 offense.

31 7. Additional orders. In addition to the civil forfeitures
32 required by subsection 6, the judge may order the juvenile to
33 perform specified work for the benefit of the State, the
34 municipality or other public entity or charitable institution or
35 to undergo evaluation, education or treatment with a licensed
36 social worker or a licensed substance abuse counselor.'

HOUSE AMENDMENT

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SUMMARY

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This amendment restricts the unlawful use or possession of inhalants by juveniles.

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SPONSORED BY: Royce Perkins
(Representative PERKINS)

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TOWN: Penobscot

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