

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 267  
Committee Substitute Favorable 4/11/07

Short Title: Alcohol Inhalers Illegal.

(Public)

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Sponsors:

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Referred to:

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February 20, 2007

A BILL TO BE ENTITLED

AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY  
NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL ANY INSTRUMENT  
THAT CAN BE USED TO ATOMIZE OR INTRODUCE A TOXIC VAPOR INTO  
THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION  
MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-113.10 reads as rewritten:

**"§ 90-113.10. Inhaling fumes for purpose of causing intoxication.**

It is unlawful for any person to knowingly breathe or inhale any compound, liquid, or chemical containing toluol, hexane, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, ethyl alcohol, or any other substance for the purpose of inducing a condition of intoxication. This section does not apply to any person using as an inhalant any chemical substance pursuant to the direction of a physician or dentist-licensed medical provider authorized by law to prescribe the inhalant or chemical substance possessed."

**SECTION 2.** Chapter 90 of the General Statutes is amended by adding a new section to read:

**"§ 90-113.10A. Inhalant paraphernalia.**

It shall be unlawful for any person to sell, give, deliver, possess, or use any instrument or implement to atomize or in any other way prepare a substance for inhalation for the purpose of inducing a condition of intoxication. This section does not apply to any instrument that is used to deliver or inhale any substance that has been dispensed or prescribed by a licensed medical provider authorized by law to prescribe the inhalant or chemical substance possessed. This section also does not apply to any instrument used to deliver or inhale over-the-counter medications which are approved by monograph or new drug application under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301, et seq.), provided the instrument is not used for the purpose of

1 inducing a condition of intoxication. This section is not a lesser included offense of  
2 G.S. 90-113.22."

3           **SECTION 3.** G.S. 90-113.11 reads as rewritten:

4 "**§ 90-113.11. Possession of substances.**

5       It is unlawful for any person to possess any compound, liquid, or chemical  
6 containing toluol, hexane, trichloroethane, isopropanol, methyl isobutyl ketone, methyl  
7 cellosolve acetate, cyclohexanone, ethyl alcohol, or any other substance which will  
8 induce a condition of intoxication through inhalation for the purpose of violating  
9 G.S. 90-113.10."

10           **SECTION 4.** G.S. 90-113.12 reads as rewritten:

11 "**§ 90-113.12. Sale of substance.**

12       It is unlawful for any person to sell, offer to sell, deliver, give, or possess with the  
13 intent to sell, deliver, or give any other person any compound, liquid, or chemical  
14 containing toluol, hexane, trichloroethane, isopropanol, methyl isobutyl ketone, methyl  
15 cellosolve acetate, cyclohexanone, ethyl alcohol, or any other substance which will  
16 induce a condition of intoxication through inhalation if he has reasonable cause to  
17 suspect that the product sold, offered for sale, given, delivered, or possessed with the  
18 intent to sell, give, or deliver, will be used for the purpose of violating G.S. 90-113.10."

19           **SECTION 5.** This act becomes effective October 1, 2007, and applies to  
20 offenses committed on or after that date.