

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 125
Judiciary I (Civil) Committee Substitute Adopted 3/28/07

Short Title: Alcohol Inhalers Illegal.

(Public)

Sponsors:

Referred to:

February 13, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY
3 NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL AN INSTRUMENT
4 THAT CAN BE USED TO VAPORIZE OR INTRODUCE ETHYL ALCOHOL
5 INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A
6 PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER
7 MEDICATION.

8 The General Assembly of North Carolina enacts:

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

10 **"§ 90-113.10. Inhaling fumes for purpose of causing intoxication.**

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

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

20 **"§ 90-113.10A. Alcohol vaporizing devices prohibited.**

21 It shall be unlawful for any person to knowingly manufacture, sell, give, deliver,
22 possess, or use an alcohol vaporizing device. As used in this section, 'alcohol vaporizing
23 device' or 'AVD' means a device, machine, apparatus, or appliance that is designed or
24 marketed for the purpose of mixing ethyl alcohol with pure or diluted oxygen, or
25 another gas, to produce an alcoholic vapor that an individual can inhale or snort. An
26 AVD does not include an inhaler, nebulizer, atomizer, or other device that is designed
27 and intended by the manufacturer to dispense either a substance prescribed by a licensed
28 medical provider authorized by law to prescribe the inhalant or chemical substance
29 possessed, or an over-the-counter medication approved by monograph or new drug

1 application under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301, et seq.),
2 provided the instrument is not used for the purpose of inducing a condition of
3 intoxication through inhalation. Violation of this section is not a lesser included offense
4 of G.S. 90-113.22."

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

6 "**§ 90-113.11. Possession of substances.**

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

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

13 "**§ 90-113.12. Sale of substance.**

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

21 **SECTION 5.** This act becomes effective December 1, 2007, and applies to
22 offenses committed on or after that date.