

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

**Article 27 - Crimes and Punishments**

301.

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

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

301A.

(a) No person may distribute, or possess with intent to distribute, to any [minor] OTHER PERSON any of the substances enumerated in § 301 of this article if such distribution is with the intent to induce unlawful inhaling of the substance or is with the knowledge that the [minor] OTHER PERSON will unlawfully inhale the substance.

(b) No person may instruct [a minor] ANOTHER PERSON in the practice of unlawful inhaling as defined in § 301 of this article.

(c) [Any] A person [violating] WHO VIOLATES any provision of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not exceeding 18 months, or both.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved April 9, 1996.