

Defined terms: "Controlled dangerous substance" § 5-101

"Drug" § 5-101

"Person" § 1-101

5-709. DISTRIBUTION OF INHALANT AND INSTRUCTION ON INHALING.

(A) "DISTRIBUTE" DEFINED.

IN THIS SECTION, "DISTRIBUTE" INCLUDES ACTUAL, CONSTRUCTIVE, OR ATTEMPTED TRANSFER, EXCHANGE, OR DELIVERY, REGARDLESS OF REMUNERATION OR AGENCY RELATIONSHIP.

(B) PROHIBITED — DISTRIBUTION OF INHALANTS.

A PERSON MAY NOT DISTRIBUTE OR POSSESS WITH INTENT TO DISTRIBUTE TO ANOTHER A SUBSTANCE LISTED IN § 5-708 OF THIS SUBTITLE:

(1) WITH THE INTENT TO INDUCE UNLAWFUL INHALING OF THE SUBSTANCE; OR

(2) WITH THE KNOWLEDGE THAT THE OTHER WILL UNLAWFULLY INHALE THE SUBSTANCE.

(C) SAME — INSTRUCTION ON INHALING.

A PERSON MAY NOT:

(1) INSTRUCT ANOTHER IN THE PRACTICE OF INHALING OR SMELLING THAT IS PROHIBITED UNDER § 5-708(B) OF THIS SUBTITLE; OR

(2) DISTRIBUTE A BUTANE CANISTER TO A MINOR.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 301A.

In subsection (a) of this section, the former reference to transfer, exchange, or delivering "from one person to another" is deleted as implicit.

In subsection (c) of this section, the reference to "the practice of inhaling or smelling that is prohibited under § 5-708(b) of this subtitle" is substituted for the former reference to "the practice of unlawful inhaling as defined in § 301 of this article" to reflect that smelling as well as inhaling is prohibited under former Art. 27, § 301, now § 5-708 of this subtitle, and that the practice was "prohibited" and not "defined" in that provision.