

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 156

4
5 By: Senator J. Jeffress
6
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For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS CODE § 5-60-116
10 CONCERNING INHALATION OF INTOXICATING COMPOUNDS;
11 TO PROHIBIT ALCOHOL VAPORIZING DEVICES IN CERTAIN
12 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO AMEND ARKANSAS CODE § 5-60-116
16 CONCERNING INHALATION OF INTOXICATING
17 COMPOUNDS AND TO PROHIBIT ALCOHOL
18 VAPORIZING DEVICES IN CERTAIN
19 CIRCUMSTANCES.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-60-116 is amended to read as follows:
25 5-60-116. Breathing, inhaling, possessing, selling, or drinking
26 certain intoxicating compounds - Alcohol vaporizing devices prohibited.

27 (a)(1) ~~No person shall~~ It is unlawful for any person to knowingly:
28 (A) breathe Breathe, inhale, or drink any compound,
29 liquid, or chemical containing toluol, hexane, trichloroethylene, acetone,
30 toluene, ethyl acetate, methyl ethyl ketone, trichlorathane, isopropanol,
31 methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any
32 other similar substance or any gasoline or similar substance for the purpose
33 of inducing a condition of intoxication, stupefaction, depression, giddiness,
34 paralysis, irrational behavior, or in any manner changing, distorting, or
35 disturbing the auditory, visual, or mental processes;

36 (B) Breathe or inhale any compound, liquid, or chemical



1 containing ethyl alcohol for the purpose of inducing a condition of
 2 intoxication;

3 (C) Possess any compound, liquid, or chemical containing
 4 toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl
 5 ethyl ketone, trichlorathane, isopropanol, methyl isobutyl ketone, methyl
 6 cellosolve acetate, cyclohexanone, ethyl alcohol, or any other substance that
 7 will induce a condition of intoxication through breathing or inhalation for
 8 the purpose of violating subdivision (a)(1)(A) or subdivision (a)(1)(B) of
 9 this section;

10 (D) Sell, offer for sell, deliver, give, or possess with
 11 the intent to sell, deliver, or give to any other person any compound,
 12 liquid, or chemical containing toluol, hexane, trichloroethylene, acetone,
 13 toluene, ethyl acetate, methyl ethyl ketone, trichlorathane, isopropanol,
 14 methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, ethyl
 15 alcohol, or any other substance that will induce a condition of intoxication
 16 through breathing or inhalation if he or she has reasonable cause to believe
 17 that the compound, liquid, or chemical sold, offered for sale, delivered,
 18 given, or possessed with the intent to sell, deliver, or give will be used
 19 for the purpose of violating subdivision (a)(1)(A) or subdivision (a)(1)(B)
 20 of this section; or

21 (E) Manufacture, sell, give, deliver, possess, or use an
 22 alcohol vaporizing device.

23 (2) For the purposes of this section, any condition induced as
 24 provided in ~~subdivision (a)(1)~~ subdivision (a)(1)(A) or subdivision (a)(1)(B)
 25 of this section is ~~deemed to be~~ an intoxicated condition.

26 (b)(1) This section does not apply to any person who commits any act
 27 described in this section pursuant to the direction or prescription of a
 28 licensed physician or dentist authorized to direct or prescribe the act.

29 (2) ~~Nothing contained in this section applies~~ This section does
 30 not apply to the inhalation of anesthesia for a medical purpose or dental
 31 purpose.

32 ~~Any person who violates any provision of~~ Upon conviction, a person
 33 who violates this section is guilty of a Class B misdemeanor.

34 (d)(1) As used in this section, "alcohol vaporizing device" means a
 35 device, a machine, an apparatus, or an appliance that is designed or marketed
 36 for the purpose of mixing ethyl alcohol with pure or diluted oxygen or any

1 other gas to produce an alcoholic vapor that a person can breathe or inhale.

2 (2) "Alcohol vaporizing device" does not include an inhaler, a
3 nebulizer, an atomizer, or any other device that is designed and intended by
4 the manufacturer to dispense either a substance prescribed by a licensed
5 health care provider authorized by law to prescribe the substance or an over-
6 the-counter medication approved under an over-the-counter drug monograph or a
7 new drug application under the Federal Food, Drug, and Cosmetic Act, 21
8 U.S.C. § 301 et seq., as it existed on January 1, 2009.

9 (3) "Alcohol vaporizing device" includes an inhaler, a
10 nebulizer, an atomizer, or any other device described in subdivision (d)(2)
11 of this section if the inhaler, nebulizer, or atomizer is used for the
12 purpose of inducing a condition of intoxication through breathing or
13 inhalation.