§2383-C. Unlawful use or possession of inhalants

1. Prohibited acts. A person may not intentionally or knowingly:

A. Inhale, ingest, apply or smell the gases, vapors or fumes of any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors or fumes for the purpose of causing intoxication, euphoria, inebriation, excitement, stupefaction or the dulling of that person's brain or nervous system; or [PL 1997, c. 325, §1 (NEW).]

B. Possess any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors with the intent to violate paragraph A. [PL 1997, c. 325, §1 (NEW).]

[PL 1997, c. 325, §1 (NEW).]

2. Exclusions. Nothing in this section applies to the inhalation of anesthesia for medical or dental purposes or the inhalation of the vapors or fumes of an alcoholic beverage, the sale and consumption of which is authorized by law.

[PL 1997, c. 325, §1 (NEW).]

3. Presumption regarding violations. Proof that a person intentionally or knowingly inhaled, ingested, applied or used a substance in a manner contrary to the directions for use, cautions or warnings on a label of a container of the substance gives rise to a presumption that the person violated subsection 1.

[PL 1997, c. 325, §1 (NEW).]

4. Presumption regarding ingredients. For the purposes of this section, it is presumed that the ingredients in a container are, in fact, the ingredients listed on a label of the container or the ingredients listed for that substance in databases maintained or relied upon by a poison control center certified by a national association of poison control centers.

[PL 1997, c. 325, §1 (NEW).]

5. Penalties. A person who violates this section commits a civil violation for which a forfeiture, which may not be suspended except as provided in subsection 6, must be adjudged as follows:

A. Not less than $100 or more than $300 for the first offense; [PL 1997, c. 325, §1 (NEW).]

B. Not less than $200 or more than $500 for the 2nd offense; and [PL 1997, c. 325, §1 (NEW).]

C. Five hundred dollars for the 3rd and each subsequent offense. [PL 1997, c. 325, §1 (NEW).]

[PL 1997, c. 325, §1 (NEW).]

6. Additional orders. In addition to the civil forfeitures required by subsection 5, the judge may order the person to perform specified work for the benefit of the State, the municipality or other public entity or charitable institution or to undergo evaluation, education or treatment with a licensed social worker or a licensed substance use disorder counselor. If the judge orders the person to perform specified work or to undergo evaluation, education or treatment, the judge may suspend a forfeiture imposed pursuant to subsection 5.

[PL 2017, c. 407, Pt. A, §75 (AMD).]

SECTION HISTORY

PL 1997, c. 325, §1 (NEW). PL 2017, c. 407, Pt. A, §75 (AMD).

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