

Public Law 28-25

I MINA 'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 6 (LS)

As substituted by the Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs and amended.

Introduced by:L. F. Kasperbauer

F. B. Aguon, Jr.

J. M.S. Brown

Edward J.B. Calvo

B. J.F. Cruz

Mike Cruz

Mark Forbes

R. Klitzkie

L. A. Leon Guerrero

J. A. Lujan

A. B. Palacios

R. J. Respicio

Ray Tenorio

A. R. Unpingco

J. T. Won Pat

AN ACT TO AMEND §67.401.2.1., AND TO ADD A NEW §67.401.2.2 TO CHAPTER 67 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO REGULATING THE SALE OF BUTANE, PROPANE AND OTHER INHALANTS TO MINORS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 67.401.2.1. of Chapter 67 of Title 9 Guam Code Annotated is hereby amended to read:

“§67.401.2.1. Inhalants.

(a) Use of Inhalants. It is unlawful for a person to inhale, ingest, apply or smell the gases, vapors or fumes of an aerosol spray product, volatile chemical, substance or other inhalant, that is not used pursuant to the instructions or prescription of a licensed health care provider, or that is not used pursuant to the manufacturer's label instructions, for the purpose of becoming under the influence of such substance, causing intoxication, euphoria, inebriation, stupefaction or the dulling of that person's brain or nervous system.

(b) It is unlawful for a person to possess any gas, hazardous inhalant, aerosol spray product, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors with the intent to violate the above.

(c) Nothing in this Section applies to the inhalation of a prescription or over-the-counter product 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.

(d) 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 (a).

(e) For purposes of this Section, it is presumed that the ingredients in a container are, in fact, the ingredients listed on the 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.

(f) A person who violates this Section commits a petty misdemeanor. A person who violates Subsections (h), (i) or (j) of this Section commits a petty misdemeanor for the first offense and a misdemeanor for subsequent offenses.

(g) A juvenile court may require a minor found in violation of this Section be provided with treatment and counseling.

(h) It is a petty misdemeanor for any person or business to sell, or transfer butane gas or butane lighters or butane in any other form to any person under the age of eighteen (18).

(i) It is a petty misdemeanor for any person or business to sell or transfer propane gas to any person under the age of eighteen (18).

(j) It is a petty misdemeanor for any person or business to sell or transfer substances on the *List of Known Inhalants with Potential for Abuse*, as defined in §67.401.2.2(1) & (2) of this Chapter, to any person under the age of eighteen (18). This Subsection shall not apply to prescription or over-the-counter medication.

(k) It is not unlawful to transfer inhalants to persons under the age of eighteen (18) provided that the minor's use of such inhalants is consistent with the product's labeling and is supervised by an adult over the age of eighteen (18)."

Section 2. A new Section 67.401.2.2. is hereby added to Chapter 67 of Title 9 Guam Code Annotated to read:

“§67.401.2.2. List of Known Inhalants with Potential for Abuse.

(1) The Department of Mental Health and Substance Abuse shall maintain a *List of Known Inhalants with Potential for Abuse*. Such list shall contain all known substances with the potential for abuse as defined in §67.401.2.1 of this Chapter. The list shall be:

- (a) reviewed and updated at least once annually;
- (b) maintained on the Internet; and
- (c) distributed to island retailers and all public and private schools as the list is updated.

(2) Butane and propane shall be on the *List of Known Inhalants with Potential for Abuse*.

(3) The Department shall, by Administrative Rules and Regulations, develop the procedures by which Inhalants are added to the *List of Known Inhalants with Potential for Abuse*.

(4) All additions to the *List of Known Inhalants with Potential for Abuse* shall require the approval of *I Muga'lahi*.

(5) Penalties contained in §67.401.2.1(j) shall *not* apply until such substance has been on the *List of Known Inhalants with Potential for Abuse* for a period of *not less than* six (6) months.”

Section 3. Appropriation. The sum of Thirty Thousand Dollars (\$30,000.00) is hereby appropriated from the **Healthy Futures Fund** to the Department of Mental Health and Substance Abuse for the purpose of carrying out the provisions of Section 2 of this Act.