

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

Bill No. 6 (LS)

Introduced by:

L.F. Kasperbauer *LFK*

AN ACT TO AMEND §67.401.2.1. OF, 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

1 vapors or fumes of an alcoholic beverage, the sale and consumption of which is
2 authorized by law.

3 (d) Proof that a person intentionally or knowingly inhaled, ingested, applied
4 or used a substance in a manner contrary to the directions for use, cautions or
5 warnings on a label of a container of the substance gives rise to a presumption that
6 the person violated Subsection (a).

7 (e) For the purposes of this Section, it is presumed that the ingredients in a
8 container are, in fact, the ingredients listed on the label of the container or the
9 ingredients listed for that substance in databases maintained or relied upon by a
10 poison control center certified by a national association of poison control centers.

11 (f) A person who violates this Section commits a petty misdemeanor. A
12 person who violates Items (h), (i) or (j) this Section commits a petty misdemeanor
13 punishable by a fine not exceed Two Hundred Dollars (\$200) for the first offense
14 and not less than Two Hundred Dollars (\$200) but not more than One Thousand
15 (\$1,000) for subsequent offenses.

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

18 (h) It is unlawful for any person or business to sell, or transfer butane gas or
19 butane lighters or in any other form to any person under the age or Eighteen (18).

20 (i) It is unlawful for any person or business to sell, or transfer propane gas
21 to any person under the age or Eighteen (18).

22 (j) It is unlawful for any person or business to sell, or transfer substances on
23 the *List of Known Inhalants with Potential for Abuse* as defined in §67.401.2.2. of
24 this chapter to any person under the age or Eighteen (18).

1 (k) It is not unlawful to transfer inhalants to persons under the age of
2 Eighteen (18) provided that the minors use of such inhalants is consistent with the
3 products labeling and is supervised by an adult over the age of Eighteen (18).”
4

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

7 **§67.401.2.2. List of Known Inhalants with Potential for Abuse.** The
8 Department of Mental Health and Substance Abuse shall maintain a *List of Known*
9 *Inhalants with Potential for Abuse*. Such list shall contain all known substances
10 with the potential for abuse as defined in §67.401.2.1 of this Chapter. The list shall
11 be:

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

16
17 **Section 3. Appropriation.** The sum of Thirty Thousand Dollars
18 (\$30,000.00) is hereby appropriated from the **Healthy Futures Fund** to the
19 Department of Mental Health and Substance Abuse for the purpose of carrying out
20 the provisions of Section 2 of this Act.