

1 mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl
2 nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite,
3 isopentyl nitrite, or any of their esters, isomers, or analogues, or
4 any other similar compound.

5 B. No person shall ingest, inhale, use, possess, or distribute
6 any naturally occurring substance, compound, liquid, or chemical
7 including, but not limited to, Datura Stramonium commonly known as
8 Jimson weed or Jimson weed seeds for the purpose of inducing
9 intoxication or distortion or disturbance of the auditory, visual,
10 muscular, or mental process.

11 C. No person shall possess, buy, sell, or otherwise transfer
12 any substance specified in subsection A or B of this section for the
13 purpose of inducing or aiding any other person to inhale or ingest
14 such substance or otherwise violate the provisions of this section.

15 ~~C.~~ D. The provisions of subsections A, ~~and B~~ and C of this
16 section shall not apply to:

17 1. The possession and use of a substance specified in
18 subsection A of this section which is used as part of the care or
19 treatment by a licensed physician of a disease, condition or injury
20 or pursuant to a prescription of a licensed physician; and

21 2. The possession of a substance specified in subsection A of
22 this section which is used as part of a known manufacturing process
23 or industrial operation when the possessor has obtained a permit
24 from the State Department of Health.

1 ~~D.~~ E. The State Board of Health shall promulgate rules and
2 regulations establishing procedures for the application, form and
3 issuance of a permit to legitimate manufacturing and industrial
4 applicants as provided for in subsection ~~E~~ D of this section.

5 ~~E.~~ F. Any person convicted of violating any provision of
6 subsection A ~~or~~, B or C of this section shall be guilty of a
7 misdemeanor punishable by imprisonment in the county jail not to
8 exceed ninety (90) days or by the imposition of a fine not to exceed
9 Five Hundred Dollars (\$500.00), or by both such imprisonment and
10 fine. Each violation shall be considered a separate offense.

11 ~~F.~~ G. Any person convicted of any offense described in this
12 section shall, in addition to any fine imposed, pay a special
13 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
14 deposited into the Trauma Care Assistance Revolving Fund created in
15 Section 1-2522 of this title.

16 SECTION 2. This act shall become effective July 1, 2011.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03-31-2011 -
23 DO PASS.
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