

FILED

2001 MAY -2 P 7:39

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

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**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 2376**

(By Delegates Caputo, Prunty, Manchin,  
Stalnaker, Varner, Marshall and Shaver)

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Passed April 13, 2001

In Effect Ninety Days from Passage

FILED

2001 MAY -2 P 7:40

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COMMITTEE SUBSTITUTE

FOR

**H. B. 2376**

(BY DELEGATES CAPUTO, PRUNTY, MANCHIN,  
STALNAKER, VARNER, MARSHALL AND SHAVER)

[Passed April 13, 2001; in effect ninety days from passage.]

AN ACT to amend article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eleven, relating to creating the misdemeanor offense for intentionally breathing, inhaling, or drinking certain intoxicating compounds; and providing a criminal penalty.

*Be it enacted by the Legislature of West Virginia:*

That article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eleven, to read as follows:

**ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.**

**§61-8-11. Breathing, inhaling, or drinking certain intoxicating compounds; penalty.**

1 (a) No person shall intentionally breathe, inhale, or drink  
2 any compound, liquid, or chemical containing acetone,  
3 amylacetate, benzol or benzene, butyl acetate, butyl alcohol,  
4 carbon tetrachloride, chloroform, cyclohexanone, ethanol or  
5 ethyl alcohol, ethyl acetate, hexane, isopropanol or isopropyl  
6 alcohol, isopropyl acetate, methyl "cellosolve" acetate, methyl  
7 ethyl ketone, methyl isobutyl ketone, toluol or toluene, trichlo-  
8 roethylene, tricresyl phosphate, xylol or xylene, or any other  
9 solvent, material substance, chemical, or combination thereof,  
10 having the property of releasing toxic vapors for the purpose of  
11 inducing a condition of intoxication, stupefaction, depression,  
12 giddiness, paralysis, or irrational behavior or in any manner  
13 changing, distorting, or disturbing the auditory, visual, or  
14 mental processes. For the purposes of this section, any condi-  
15 tion so induced shall be deemed to be an intoxicated condition.

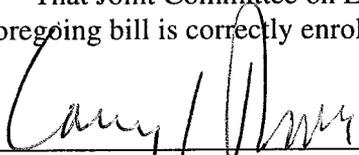
16 (b) This section does not apply to:

17 (1) Any person who commits any act described herein  
18 pursuant to the direction or prescription of a licensed physician  
19 or dentist authorized to so direct or prescribe, including the  
20 inhalation of anesthesia for medical or dental purposes; or

21 (2) To any alcoholic liquor or nonintoxicating beer as  
22 defined in section five, article one, chapter sixty of this code.

23 (c) Any person who violates the provisions of this section  
24 is guilty of a misdemeanor and, upon conviction thereof, shall  
25 be fined not more than one hundred dollars or be confined in a  
26 county or regional jail for not more than sixty days, or both  
27 fined and imprisoned.

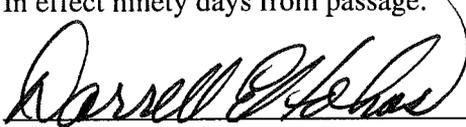
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

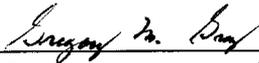
  
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Chairman Senate Committee

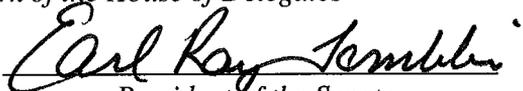
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 2nd  
day of May, 2001.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date

4/24/01

Time

4:40 pm