

SENATE BILL No. 252

By Committee on Federal and State Affairs

2-18

1 AN ACT concerning crimes and punishment; relating to unlawful abuse of
2 toxic vapors; amending K.S.A. 2014 Supp. 21-5712 and repealing the
3 existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 21-5712 is hereby amended to read as
7 follows: 21-5712. (a) Unlawful abuse of toxic vapors is possessing,
8 buying, using, smelling or inhaling toxic vapors with the intent of causing
9 a condition of euphoria, excitement, exhilaration, stupefaction or dulled
10 senses of the nervous system.

11 (b) Unlawful abuse of toxic vapors is a class B nonperson
12 misdemeanor.

13 (c) In addition to any sentence or fine imposed, the court shall enter
14 an order which requires that the person enroll in and successfully complete
15 an alcohol and drug safety action education program, treatment program or
16 both such programs as provided in K.S.A. 8-1008, and amendments
17 thereto.

18 (d) This section shall not apply to the inhalation of anesthesia or other
19 substances for medical or dental purposes.

20 (e) For the purposes of this section, the term "toxic vapors" means
21 vapors from the following substances or products containing such
22 substances:

- 23 (1) Alcohols, including methyl, isopropyl, propyl or butyl;
- 24 (2) aliphatic acetates, including ethyl, methyl, propyl or methyl
25 cellosolve acetate;
- 26 (3) acetone;
- 27 (4) benzene;
- 28 (5) carbon tetrachloride;
- 29 (6) cyclohexane;
- 30 (7) freons, including freon 11 ~~and~~, freon 12 *and other halogenated*
31 *hydrocarbons*;
- 32 (8) hexane;
- 33 (9) methyl ethyl ketone;
- 34 (10) methyl isobutyl ketone;
- 35 (11) naphtha;
- 36 (12) perchlorethylene;

1 (13) toluene;

2 (14) trichloroethane; or

3 (15) xylene.

4 (f) In a prosecution for a violation of this section, evidence that a
5 container lists one or more of the substances described in subsection (e) as
6 one of its ingredients shall be prima facie evidence that the substance in
7 such container contains toxic vapors.

8 Sec. 2. K.S.A. 2014 Supp. 21-5712 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.