

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1295

Introduced by

Representatives Rose, Cleary, Jensen, N. Johnson

1 A BILL for an Act to amend and reenact section 12.1-36-06 and subsection 1 of section
2 29-06-15 of the North Dakota Century Code, relating to inhalation of volatile chemicals and to
3 arrest without a warrant.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 12.1-31-06 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-31-06. Volatile chemicals - Inhalation of vapors prohibited - Definitions -**

8 **Penalty.** A person is guilty of a class B misdemeanor if that person intentionally inhales the
9 vapors of a volatile chemical in a manner designed to affect the person's central nervous
10 system; to create or induce a condition of intoxication, hallucination, or elation; or to distort,
11 disturb, or change the person's eyesight, thinking processes, balance, or coordination. This
12 section does not apply to inhalations specifically prescribed for medical, dental, or optometric
13 treatment purposes or to controlled substances described in chapter 19-03.1. For the purposes
14 of this section, "volatile chemical" includes the following chemicals or their isomers:

- 15 1. Acetone.
- 16 2. Aliphatic hydrocarbons.
- 17 3. Amyl nitrite.
- 18 4. Butane.
- 19 5. Butyl nitrite.
- 20 ~~5.~~ 6. Carbon tetrachloride.
- 21 ~~6.~~ 7. Chlorinated hydrocarbons.
- 22 ~~7.~~ 8. Chlorofluorocarbons.
- 23 ~~8.~~ 9. Chloroform.
- 24 ~~9.~~ 10. Cyclohexane.

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- 1 ~~40.~~ 11. Diethyl ether.
2 ~~44.~~ 12. Ethyl acetate.
3 ~~42.~~ 13. Glycol ether inter solvent.
4 ~~43.~~ 14. Glycol ether solvent.
5 ~~44.~~ 15. Hexane.
6 ~~45.~~ 16. Ketone solvent.
7 ~~46.~~ 17. Methanol.
8 ~~47.~~ 18. Methyl cellosolve acetate.
9 ~~48.~~ 19. Methyl ethyl ketone.
10 ~~49.~~ 20. Methyl isobutyl ketone.
11 ~~20.~~ 21. Nitrous oxide.
12 22. Petroleum distillate.
13 ~~24.~~ 23. Toluene.
14 ~~22.~~ 24. Trichloroethane.
15 ~~23.~~ 25. Trichloroethylene.
16 ~~24.~~ 26. Xylol or xylene.

17 **SECTION 2 AMENDMENT.** Subsection 1 of section 29-06-15 of the 1997 Supplement
18 to the North Dakota Century Code is amended and reenacted as follows:

- 19 1. A law enforcement officer, without a warrant, may arrest a person:
20 a. For a public offense, committed or attempted in the officer's presence; and for
21 the purpose of this subdivision, a crime must be deemed committed or
22 attempted in the officer's presence when what the officer observes through
23 the officer's senses reasonably indicates to the officer that a crime was in fact
24 committed or attempted in the officer's presence by the person arrested.
25 b. When the person arrested has committed a felony, although not in the
26 officer's presence.
27 c. When a felony in fact has been committed, and the officer has reasonable
28 cause to believe the person arrested to have committed it.
29 d. On a charge, made upon reasonable cause, of the commission of a felony by
30 the party arrested.

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- 1 e. For the public offenses, not classified as felonies and not committed in the
2 officer's presence as provided for under section 29-06-15.1.
- 3 f. On a charge, made upon reasonable cause, of driving or being in actual
4 physical control of a vehicle while under the influence of alcoholic beverages.
- 5 g. For the offense of violating a protection order under section 14-07.1-06, an
6 order prohibiting contact under section 14-07.1-13, or for an assault involving
7 domestic violence under section 14-07.1-11.
- 8 h. On a charge, made upon reasonable cause, of inhaling volatile chemical
9 vapors in violation of section 12.1-31-06.