



Diana C. Fox

## *Bill Analysis*

Legislative Service Commission

### **H.B. 409**

125th General Assembly  
(As Introduced)

**Reps. S. Smith, Redfern, Key, Koziura, Sykes, Otterman, Willamowski,  
Barrett, Hollister, Chandler, Brown, Beatty, Allen, Skindell**

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#### **BILL SUMMARY**

- Classifies formaldehyde as a harmful intoxicant.

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#### **CONTENT AND OPERATION**

##### **Operation of the bill**

The bill adds formaldehyde to the list of harmful intoxicants, described below (R.C. 2925.01(I)(1)(e)).

##### **Current law**

##### **Current law's definition of "harmful intoxicant"**

Under current law, a "harmful intoxicant" does not include beer or intoxicating liquor but does mean any of the following (R.C. 2925.01(I)):

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas;

- (2) Gamma Butyrolactone;
- (3) 1,4 Butanediol.

### **Offenses prohibiting the abuse or trafficking of harmful intoxicants**

#### **Abusing harmful intoxicants**

Current law specifies that except for lawful research, clinical, medical, dental, or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess, or use a harmful intoxicant. Whoever violates this prohibition is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony of the fifth degree. In addition to any other sanction imposed upon an offender for a violation of this prohibition, the court must suspend the offender's driver's or commercial driver's license or permit for at least six months but not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court must report the conviction to the appropriate professional licensing board as required by R.C. 2925.38. (R.C. 2925.31.)

#### **Trafficking in harmful intoxicants**

Current law prohibits a person from knowingly doing either of the following (R.C. 2925.32(A)):

(1) Dispensing or distributing a harmful intoxicant to a person age 18 or older if the person who dispenses or distributes it knows or has reason to believe that the harmful intoxicant will be abused, as prohibited by R.C. 2925.31, discussed above;

(2) Dispensing or distributing a harmful intoxicant to a person under age 18 if the person who dispenses or distributes it knows or has reason to believe that the harmful intoxicant will be abused, except that this provision does not prohibit either of the following:

(a) Dispensing or distributing a harmful intoxicant to a person under age 18 if a written order from the juvenile's parent or guardian is provided to the dispenser or distributor;

(b) Dispensing or distributing gasoline or diesel fuel to a person under age 18 if the dispenser or distributor does not know or have reason to believe the product will be abused. No written order from the parent or guardian of a person

under age 18 is required in order to distribute or dispense gasoline or diesel fuel to the person under 18.

Whoever violates these prohibitions is guilty of trafficking in harmful intoxicants, a felony of the fifth degree. If the offender previously has been convicted of a drug abuse offense, trafficking in harmful intoxicants is a felony of the fourth degree. In addition to any other sanction imposed upon an offender for trafficking in harmful intoxicants, the court must suspend the offender's driver's or commercial driver's license or permit for at least six months but not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for trafficking in harmful intoxicants, the court must immediately report the conviction to the appropriate licensing board as required by R.C. 2925.38. (R.C. 2925.32(D)(1).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-19-04	p. 1646

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