



## **H.B. 261**

126th General Assembly  
(As Introduced)

**Reps. S. Smith, J. Stewart, McGregor, Koziura, Allen, Sykes, Barrett, Willamowski, Key, DeGeeter, Brown, Reidelbach, Beatty, Healy, Chandler**

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### **BILL SUMMARY**

- Provides that formaldehyde is a harmful intoxicant under state law governing drug offenses.

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### **CONTENT AND OPERATION**

#### ***Criminal offenses regarding harmful intoxicants***

Current law establishes two criminal offenses regarding harmful intoxicants: abusing harmful intoxicants and trafficking in harmful intoxicants.

A person commits the offense of abusing harmful intoxicants if the person, with the purpose to induce intoxication or similar physiological effects, obtains, possesses, or uses a harmful intoxicant for a reason other than lawful research or clinical, medical, dental, or veterinary purposes. Abusing harmful intoxicants is a misdemeanor of the first degree or, if the violator was previously convicted of a drug abuse offense, a felony of the fifth degree.<sup>1</sup>

The offense of trafficking in harmful intoxicants involves knowingly dispensing or distributing a harmful intoxicant to a person if the dispenser or distributor knows or has reason to believe that the harmful intoxicant will be used in the offense of abusing harmful intoxicants.<sup>2</sup> Trafficking in harmful intoxicants

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<sup>1</sup> R.C. 2925.31, not in the bill.

<sup>2</sup> The offense of trafficking in harmful intoxicants does not apply to products used in making, fabricating, assembling, transporting, or constructing a product or structure by manual labor or machinery for sale or lease to another person or to the mining, refining, or processing of natural deposits.

is a felony of the fifth degree or, if the violator was previously convicted of a drug abuse offense, a felony of the fourth degree.<sup>3</sup>

**Definition of "harmful intoxicant"**

(R.C. 2925.01)

State law governing drug offenses defines "harmful intoxicant" as including 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. Current law provides that this specifically includes any (1) volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent, (2) aerosol propellant, (3) fluororcarbin refrigerant, and (4) anesthetic gas.<sup>4</sup>

The bill provides that harmful intoxicants also specifically include formaldehyde.

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**HISTORY**

ACTION	DATE
Introduced	05-17-05

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<sup>3</sup> R.C. 2925.32.

<sup>4</sup> *Gamma Butyrolactone and 1,4 Butanediol are also classified as harmful intoxicants.*