

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

HOUSE BILL NO. 1295
(Representatives Rose, Cleary, Jensen, N. Johnson)

AN ACT to amend and reenact sections 5-01-08, 12.1-36-06, and subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to consumption of alcohol, inhalation of volatile chemicals, and to arrest without a warrant; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 5-01-08 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5-01-08. Persons under twenty-one years of age prohibited from manufacturing, purchasing, consuming, or possessing alcoholic beverages or entering licensed premises - Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction. Except as permitted in this section and section 5-02-06, any person under twenty-one years of age manufacturing or attempting to manufacture alcoholic beverages, purchasing or attempting to purchase alcoholic beverages, consuming or having recently consumed alcoholic beverages other than during a religious service, being under the influence of alcoholic beverages, or being in possession of alcoholic beverages, or furnishing money to any person for such purchase, or entering any licensed premises where alcoholic beverages are being sold or displayed, except a restaurant when accompanied by a parent or legal guardian, or in accordance with section 5-02-06, or if the person is a law enforcement officer entering the premises in the performance of official duty, is guilty of a class B misdemeanor. The court may, under this section, refer the person to an outpatient addiction facility licensed by the state department of human services for evaluation and appropriate counseling or treatment. The offense of consumption occurs in the county of consumption or the county where the offender is arrested.

SECTION 2. AMENDMENT. Section 12.1-31-06 of the North Dakota Century Code is amended and reenacted as follows:

12.1-31-06. Volatile chemicals - Inhalation of vapors prohibited - Definitions - Penalty. A person is guilty of a class B misdemeanor if that person intentionally inhales the vapors of a volatile chemical in a manner designed to affect the person's central nervous system; to create or induce a condition of intoxication, hallucination, or elation; or to distort, disturb, or change the person's eyesight, thinking processes, balance, or coordination. This section does not apply to inhalations specifically prescribed for medical, dental, or optometric treatment purposes or to controlled substances described in chapter 19-03.1. For the purposes of this section, "volatile chemical" includes the following chemicals or their isomers:

1. Acetone.
2. Aliphatic hydrocarbons.
3. Amyl nitrite.
4. Butane.
5. Butyl nitrite.
- ~~5.~~ 6. Carbon tetrachloride.
- ~~6.~~ 7. Chlorinated hydrocarbons.
- ~~7.~~ 8. Chlorofluorocarbons.

- ~~8.~~ 9. Chloroform.
- ~~9.~~ 10. Cyclohexane.
- ~~10.~~ 11. Diethyl ether.
- ~~11.~~ 12. Ethyl acetate.
- 13. Fluorocarbon.
- ~~12.~~ 14. Glycol ether inter solvent.
- ~~13.~~ 15. Glycol ether solvent.
- ~~14.~~ 16. Hexane.
- ~~15.~~ 17. Ketone solvent.
- ~~16.~~ 18. Methanol.
- ~~17.~~ 19. Methyl cellosolve acetate.
- ~~18.~~ 20. Methyl ethyl ketone.
- ~~19.~~ 21. Methyl isobutyl ketone.
- ~~20.~~ 22. Nitrous oxide.
- 23. Petroleum distillate.
- ~~21.~~ 24. Toluene.
- ~~22.~~ 25. Trichloroethane.
- ~~23.~~ 26. Trichloroethylene.
- ~~24.~~ 27. Xylol or xylene.

SECTION 3. AMENDMENT. Subsection 1 of section 29-06-15 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A law enforcement officer, without a warrant, may arrest a person:
 - a. For a public offense, committed or attempted in the officer's presence; and for the purpose of this subdivision, a crime must be deemed committed or attempted in the officer's presence when what the officer observes through the officer's senses reasonably indicates to the officer that a crime was in fact committed or attempted in the officer's presence by the person arrested.
 - b. When the person arrested has committed a felony, although not in the officer's presence.
 - c. When a felony in fact has been committed, and the officer has reasonable cause to believe the person arrested to have committed it.
 - d. On a charge, made upon reasonable cause, of the commission of a felony by the party arrested.
 - e. For the public offenses, not classified as felonies and not committed in the officer's presence as provided for under section 29-06-15.1.
 - f. On a charge, made upon reasonable cause, of driving or being in actual physical control of a vehicle while under the influence of alcoholic beverages.

- g. For the offense of violating a protection order under section 14-07.1-06, an order prohibiting contact under section 14-07.1-13, or for an assault involving domestic violence under section 14-07.1-11.
- h. On a charge, made upon reasonable cause, of being under the influence of volatile chemical vapors in violation of section 12.1-31-06.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1295.

House Vote: Yeas 90 Nays 0 Absent 8

Senate Vote: Yeas 48 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State