

989327252

HOUSE JOINT RESOLUTION NO. 206

Offered January 26, 1998

Establishing a joint subcommittee to study the possession, distribution, and use of nitrous oxide.

Patron—Grayson

Referred to Committee on Rules

WHEREAS, nitrous oxide is used medicinally in various medical facilities including dentists' offices and hospitals; and

WHEREAS, the gas has obtained a reputation by our youth as an inexpensive and rapid "high" affecting the central nervous system; and

WHEREAS, nitrous oxide is legally available, as a propellant, in certain food containers such as whipped cream; and

WHEREAS, at concerts and gatherings of our youth, nitrous oxide has been found to be available as a recreational drug, dispensed from canisters stolen from facilities that use the drug for its intended medical purposes; and

WHEREAS, those stolen canisters, generally designed to hold between 20 and 55 pounds of liquid nitrous oxide, often have medical warnings reading "Caution: Federal Law Prohibits Dispensing Without Prescription;" and

WHEREAS, nitrous oxide is, by exclusion from substances classified in Schedule I, II, III, IV, or V, a Schedule VI controlled substance; and

WHEREAS, possession of a Schedule VI controlled substance is punished as a Class IV misdemeanor; and

WHEREAS, stolen nitrous oxide is transported to concerts and similar events, and sold in balloons (\$3 to \$5 per balloon) inflated directly from the canister, resulting in a considerable profit (\$3,000 to \$5,000 per canister) for the distributor; and

WHEREAS, per § 18.2-264, inducing one to inhale a substance such as nitrous oxide, is punished as a Class II misdemeanor; and

WHEREAS, there appears to be a deficiency in the Code of Virginia with relation to the control of a substance as dangerous and widely used as nitrous oxide; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the possession, distribution, and use of the drug nitrous oxide. The joint subcommittee shall consist of five members to be appointed as follows: three members of the House of Delegates, to be appointed by the Speaker of the House; and two members of the Senate, to be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$ 5,250.

The Division of Legislative Services shall provide staff support for the study. All agencies and localities of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

INTRODUCED

HJ206