

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Elwaine F. Pomeroy at  
Chairperson

10:00 a.m./p.m. on February 14, 1984 in room 514-S of the Capitol.

All members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaines, Hein, Mulich and Werts.

Committee staff present: Mary Torrence, Office of Revisor of Statutes  
Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Representative Jim Allen  
Wendell J. Barker, Franklin County Attorney  
Bruce Beale, Kansas Citizens Advisory Committee on Alcohol and other Drug Abuse  
Jim Clark, Kansas County and District Attorneys Association  
Senator Mike Johnston  
Senator Ed Reilly  
Kathleen Sebelius, Kansas Trial Lawyers Association

Senate Bill 665 - Prohibiting glue and paint sniffing.

Senator Allen, the sponsor of the bill, explained the bill will add glue and paint to the drug laws. His county attorney had requested the bill.

Wendell Barker stated he is concerned because on several occasions a law enforcement officer would come upon a scene of a wreck, or a car parked on the highway, or a car driving erratically, and they would discover the person in the car had paint smeared over his face and would be acting strangely. He explained, with the DUI statute, there is no way to charge an individual who indulges in this activity. Because of the dangers involved, he feels some action by the legislature is needed; particularly, with someone using these substances and operating a vehicle. He proposed a change in line 21 of the bill by substituting the word "substance" to the word "paint thinner and paint stripper". A committee member inquired, is there a blood test that reveals this? Mr. Barker replied, he didn't know, but you have pretty good circumstantial evidence when you see these cases. With respect to tests, the KBI lab is upgrading their capabilities in this area. The state crime lab currently does not determine the presence of marijuana in a person's blood stream, which is the same with glue and paint or operating under the influence of marijuana.

Bruce Beale testified in support of the bill. A copy of his testimony and a copy of a statement from the Kansas Association of Alcohol and Drug Program Directors, are attached (See Attachments No. 1, 2). A committee member inquired, what does the army use to test for marijuana? Mr. Beale replied, the test they use requires equipment that is expensive.

Jim Clark testified his association would accept the concept of this bill.

Senate Bill 689 - Admissibility of forensic examiner's report.

Senator Johnson, the prime sponsor of the bill, explained the bill. He feels there is an unnecessary limitation in the law.

Senator Reilly, the other sponsor of the bill, stated he feels it is a good change in the law.

Committee discussion followed concerning the requirements for marrying someone.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 10:00 a.m./~~pm~~ on February 14, 1984

Senator Gaines moved that the minutes of February 2, 1984, be approved. Senator Burke seconded the motion. The motion carried.

The chairman presented three bill requests from the Judicial Council. He explained the first proposal deals with corporate fiduciaries. Senator Burke moved that the bill be introduced; Senator Gaines seconded the motion, and the motion carried.

The second proposal, recommended by the Judicial Council, dealt with business records. Senator Gaines moved that the bill be introduced; Senator Hein seconded the motion, and the motion carried.

The third proposal related to physician-patient privilege. Senator Hein moved to introduce the bill. Senator Werts seconded the motion. The motion carried.

Kathleen Sevelius presented a proposal for a bill to be introduced providing for direct action against insurer when insured files bankruptcy. A copy of the proposal is attached (See Attachment No. 3). Senator Gaines moved that the bill be introduced. Senator Winter seconded the motion. The motion carried.

Senate Bill 689 - Appointment of judge pro tem to perform marriage.

Following committee discussion, Senator Gaines moved that the bill be reported favorably. Senator Mulich seconded the motion. Following further discussion, Senator Gaines made a substitute motion to amend the bill in line 49 to read similar to the other part of the bill. Senator Werts seconded the motion. The motion carried. Senator Gaines moved to report the bill favorably as amended. Senator Mulich seconded the motion, and the motion carried.

The meeting adjourned.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME

ADDRESS

ORGANIZATION

Bruce Beak Lawrence Col. H. Comm.

G. R. Bauer Topeka KTWU

Jim Clark " KCDA

Wendell J. Barber Ottawa Fr. Co. Att'y

Michael A. Fyzik Topeka SRS/ADAS

Sanford G. Ode Ottawa Senator

Barry Massey Topeka Press

Tom Futzler Lawrence Sen Hess

Todd Epp Topeka KTWU-TV

Miss Nelson Lawrence Steinger

Duke Johnston Parsons Senate

Ed Keilly Topeka Senate

Gordon Criswell Kansas City GOV'S. Policy OFFICE

Jake Thompson Kansas City K.C. Times

Gerry Cullen KTWU TOPEKA

2-14-84  
Attach. # 1

**Kansas  
Citizens  
Advisory  
Committee on Alcohol and other Drug Abuse**

P.O. BOX 4052 TOPEKA, KANSAS 66604

February 13, 1984

Senator Elwaine Pomroy  
Chairman  
Senate Judiciary Committee  
Kansas State Capitol  
Topeka, KS 66612

Re: SB 665

Dear Committee Members,

The Kansas Citizens Advisory Committee on Alcohol and other Drug Abuse supports SB 665. We would suggest that persons convicted of this offense be required to undergo a drug abuse evaluation by a licensed drug abuse treatment program. It is almost always youth who are involved with inhalants and intervention at this stage of their lives would be most productive.

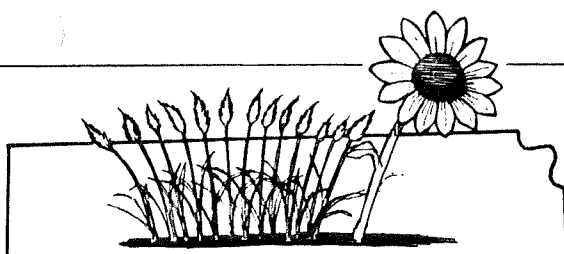
Respectfully submitted,



Bruce H. Beale  
Chairman

Alch. 1

2-14-84  
Attach. # 1



# Kansas Association of Alcohol and Drug Program Directors

February 13, 1984

To: Senate Judiciary Committee  
From: George Heckman, KAADPD *George Heckman*  
Re: Support for SB 665

Our association strongly supports SB 665. I've attached a brochure which provides some general information about the effects of inhalants. The programs in our association provide treatment for many young people who inhale numerous vapors never actually intended to be abused. Inhalants are readily available and inexpensive. Until now, there has been no legal way to get inhalant abusers help, or impose sanctions upon their activities.

Our association would recommend that this committee consider adding language to include our alcohol and drug evaluation for those convicted of the misdemeanor charge. This would provide the possibility for early intervention in those cases where such intervention is indicated.

*Attach. 2*

## What are the long-term dangers?

Long-term use can cause weight loss, fatigue, electrolyte (salt) imbalance, and muscle fatigue. Repeated sniffing of concentrated vapors over a number of years can cause permanent damage to the nervous system, which means greatly reduced physical and mental capabilities. In addition, long-term sniffing of certain inhalants can damage the liver, kidneys, blood, and bone marrow.

Tolerance, which means the sniffer needs more and more each time to get the same effect, is likely to develop from most inhalants when they are used regularly.

## What happens when inhalants are used along with other drugs?

As in all drug use, taking more than one drug at a time multiplies the risks. Using inhalants while taking other drugs that slow down the body's functions, such as tranquilizers, sleeping pills, or alcohol, increases the risk of death from overdose. Loss of consciousness, coma, or death can result.

# Inhalants



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DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Public Health Service  
Alcohol, Drug Abuse, and Mental Health Administration

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2

## What are inhalants?

Inhalants are breathable chemicals that produce psychoactive (mind-altering) vapors. People do not usually think of inhalants as drugs because most of them were never meant to be used that way. They include solvents, aerosols, some anesthetics, and other chemicals. Examples are model airplane glue, nail polish remover, lighter and cleaning fluids, and gasoline.

Aerosols that are used as inhalants include paints, cookware coating agents, hair sprays, and other spray products. Anesthetics include halothane and nitrous oxide (laughing gas). Amyl nitrite and butyl nitrite are inhalants that also are abused.

## What is amyl nitrite?

Amyl nitrite is a clear, yellowish liquid that is sold in a cloth-covered, sealed bulb. When the bulb is broken, it makes a snapping sound; thus they are nicknamed “snappers” or “poppers.” Amyl nitrite is used for heart patients and for diagnostic purposes because it dilates the blood vessels and makes the heart beat faster. Reports of amyl nitrite abuse occurred before 1979, when it was available without a prescription. When it became available by prescription only, many users abused butyl nitrite instead.

## What is butyl nitrite?

Butyl nitrite is packaged in small bottles and sold under a variety of names, such as “locker room” and “rush.” It produces a “high” that lasts from a few seconds to several minutes. The

immediate effects include decreased blood pressure, followed by an increased heart rate, flushed face and neck, dizziness, and headache.

## Who abuses inhalants?

Young people, especially between the ages of 7 and 17, are more likely to abuse inhalants, in part because they are readily available and inexpensive. Sometimes children unintentionally misuse inhalant products that are often found around the house. Parents should see that these substances, like medicines, are kept away from young children.

## How do inhalants work?

Although different in makeup, nearly all of the abused inhalants produce effects similar to anesthetics, which act to slow down the body's functions. At low doses, users may feel slightly stimulated; at higher amounts, they may feel less inhibited, less in control; at high doses, a user can lose consciousness.

## What are the immediate negative effects of inhalants?

Initial effects include nausea, sneezing, coughing, nosebleeds, feeling and looking tired, bad breath, lack of coordination, and a loss of appetite. Solvents and aerosols also decrease the heart and breathing rate and effect judgment.

How strong these effects are depends on the experience and personality of the user, how much is taken, the specific substance inhaled, and the user's surroundings. The “high” from inhalants tends to be short or can last several hours if used repeatedly.

## What are the most serious short-term effects of inhalants?

Deep breathing of the vapors, or using a lot over a short period of time may result in losing touch with one's surroundings, a loss of self-control, violent behavior, unconsciousness, or death. Using inhalants can cause nausea and vomiting. If a person is unconscious when vomiting occurs, death can result from aspiration.

Sniffing highly concentrated amounts of solvents or aerosol sprays can produce heart failure and instant death. Sniffing can cause death the first time or any time. High concentrations of inhalants cause death from suffocation by displacing the oxygen in the lungs. Inhalants also can cause death by depressing the central nervous system so much that breathing slows down until it stops.

Death from inhalants is usually caused by a very high concentration of inhalant fumes. Deliberately inhaling from a paper bag greatly increases the chance of suffocation. Even when using aerosol or volatile (vaporous) products for their legitimate purposes, i.e., painting, cleaning, etc., it is wise to do so in a well-ventilated room or outdoors.

Attach #3

AN ACT PROVIDING FOR DIRECT ACTION AGAINST INSURER  
WHEN INSURED FILES BANKRUPTCY

No policy or contract of liability insurance shall be issued or delivered in this state unless it contains provisions providing that the insolvency or bankruptcy of the insured shall not release the insurer from the payment of damages for injuries sustained or loss occasioned during the policy period.

If at any time after a cause of action accrues against an insured and within the applicable statute of limitations said insured files a petition in bankruptcy, the holder of the cause of action shall have a right of direct action against the insured's insurer within the lawful terms and limits of the policy; if the action be already commenced, then the holder of the cause of action shall have a right to substitute as a party the insured's insurer within the lawful terms and limits of the policy. Such action may be brought against the insurer in a venue to which the insurer or the insured is subject. This right of direct action shall exist irrespective of the place the policy of insurance was written or delivered and irrespective of any policy provision forbidding such direct action, provided the procedural or substantive law of this State is determined to apply.

In any direct action against the insurer under this section, the insurer shall have the right to state any defense not personal to its insured.

Attch. 3