



Legislation Text

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Res. No. 807

Resolution calling upon the New York State Legislature to amend the definition of drug, as used in the sections of the Vehicle and Traffic Law that relate to the offenses of operating a motor vehicle while under the influence of alcohol or drugs, to permit the arrest and charging under those sections of individuals under the influence of chemical compounds found in products that can be abused as inhalants.

By Council Members Vallone Jr., Fidler, Nelson, Sears, White Jr., Liu and Gerson

Whereas, Inhalant abuse, commonly called huffing, is the purposeful inhalation of chemical vapors to achieve an altered mental or physical state, which for most abusers is a euphoric effect; and

Whereas, Abusers of inhalants, who are primarily adolescents, inhale vapors emitted from a wide range of substances, many of which are common household products; in fact, chemical vapors used as inhalants can be found in over 1,000 ordinary household products, such as felt-tip markers, correction fluids, cleaning fluids, hair products, cooking products, fabric protectors, room deodorizers, butane lighters, paints, and glues; and

Whereas, National surveys indicate that more than 22.9 million Americans have abused inhalants at least once in their lives; according to the 2004 National Survey on Drug Use and Health, conducted by the Substance Abuse and Mental Health Services Administration, past-year inhalant abuse among 21-year-olds rose significantly in 2004; in addition, the 2005 Monitoring the Future (“MTF”) survey of eighth-graders, tenth-graders, and twelfth-graders, funded by the National Institute on Drug Abuse, found that all grades showed some evidence of an increase in inhalant abuse in 2004; the 2005 MTF survey also revealed that lifetime abuse of inhalants measured 17.1 percent among eighth-graders, 13.1 percent among tenth-graders, and 11.4 percent among twelfth-graders in 2005; and

Whereas, For the majority of users, inhalant abuse results in a rapid euphoric effect that is similar to alcoholic intoxication; users experience initial excitation, followed by drowsiness, lightheadedness, and

agitation; the chemicals found in volatile solvents, aerosols, and gases produce a variety of additional effects during or shortly after use that include dizziness, hallucinations, delusions, belligerence, apathy, and impaired judgment; additional symptoms exhibited by long-term inhalant abusers include muscle weakness, weight loss, disorientation, inattentiveness, and depression; chronic inhalant abuse may result in serious and sometime irreversible damage to the user's heart, liver, kidneys, lungs, and brain; death from inhalant abuse can occur after a single use or after prolonged use; sudden sniffing death ("SSD") may result within minutes of inhalant abuse from irregular heart rhythm leading to heart failure; inhalant abuse can also cause death by asphyxiation, suffocation, convulsions or seizures, coma, or fatal injury from accidents, including motor vehicle fatalities, suffered while intoxicated; and

Whereas, In January 2004, 20-year-old Vincent Litto drove into oncoming traffic in Gerritsen Beach, Brooklyn and frontally collided with another vehicle, resulting in the death of a 17-year-old girl; moments before the fatal accident, Litto allegedly sniffed a can of Dust-Off, a computer keyboard cleaner; and

Whereas, Because the particular chemical compounds in Dust-Off are not named in the definition of drug in the Public Health Law, which is the definition used in the sections of the Vehicle and Traffic Law relating to offenses concerning the operation of a motor vehicle while under the influence of alcohol or drugs, the charges of driving while intoxicated and vehicular manslaughter were subsequently dismissed against Litto; among other charges, the top count of second-degree manslaughter against Litto remains, which carries a possible 15-year sentence, but that charge is more difficult to prove and is not specifically tailored to automotive crime; and

Whereas, The injurious and potentially fatal consequences of inhalant abuse must be recognized, and it is imperative that this existing loophole in New York State law regarding the definition of drug be addressed; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the definition of drug, as used in the sections of the Vehicle and Traffic Law that relate to the offenses of

operating a motor vehicle while under the influence of alcohol or drugs, to permit the arrest and charging under those sections of individuals under the influence of chemical compounds found in products that can be abused as inhalants.

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