



## Alcohol Without Liquid (AWOL)

### Bill Status Update

August 2007

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## ALABAMA

### **S.B. 304**

**Status:** First Reading (H) (3/27/07)

**S.B. 304** seeks to prohibit the possession of alcohol without liquid machines and other alcohol vaporizing machines. The bill provides that a person commits the crime of unlawful possession of an alcohol without liquid machine or other alcohol vaporizing machine if he or she purchases, sells, possesses with the intent to use, transfers or distributes an alcohol without liquid machine or other alcohol vaporizing machine. Unlawful possession is a Class A misdemeanor. For purposes of this bill, an "alcohol without liquid machine" or other "alcohol vaporizing machine" means "any device, machine, or process which mixes spirits, liquor, or other alcohol product with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation through the mouth and nose directly into the bloodstream via the lungs for recreational purposes."

## INDIANA

### **H.B. 1516**

**Status:** First Reading (H) 1/23/07

**H.B. 1516** seeks to add a new section to the Indiana Code that would make it an infraction to purchase, offer for sale or possess an alcohol vaporizing device, vaporized alcohol or vaporized alcohol paraphernalia. This legislation defines "alcohol vaporizing device" as a "machine that mixes liquor or another product containing alcohol with oxygen to produce a vaporized product for the purpose of consumption by inhalation." "Vaporized alcohol" is defined as a "vaporized product that is created in an alcohol vaporizing device, contains liquor or another product containing alcohol and is inhaled through the mouth or nose."

## KENTUCKY

### **H.B. 125**

**Status:** Received in House (3/26/07)

**H.B. 125** seeks to create a new section of the Kentucky Revised Statutes (KRS) under Chapter 243 to provide that no person shall sell, purchase, deliver, give away, possess use or offer for sale or use an alcohol vaporizing device or assist another in selling or using an alcohol vaporizing device. However, the aforementioned prohibition would be inapplicable to: (a) a hospital that operates primarily for the purpose of conducting scientific research; (b) a public institution that is a member of the postsecondary education system or an independent institution as defined by law per KRS Section 164.001 that is conducting bona fide research; (c) a pharmaceutical or biotechnology company conducting bona fide research; or (d) a manufacturer or distributor that sells an alcohol vaporizing device to one of the aforesaid. Per this legislation, persons holding an alcohol vaporizing device must retain it in a secure location such that it is used only for research purposes. They shall not transfer the device to an entity or institution other than one previously enumerated (see (a) through (d)) and shall destroy the device when it is no longer of use. H.B. 125 defines the term "alcohol vaporizing device" or "AWOL device" to mean "any device, machine, or process that mixes liquor, spirits, or any other alcohol product with pure oxygen or other gas to produce a vaporized product. It does not include an inhaler, nebulizer, atomizer or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication or a device installed and used by a licensee under this Chapter to demonstrate the aroma of an alcoholic beverage."

## MARYLAND

### **H.B. 670**

**Status:** Approved by Governor (4/24/07)

**H.B. 670** seeks to prohibit (1) the use of an AWOL machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; and (2) the possession, purchase, transfer or offer for sale or use an AWOL machine, with the intent to introduce alcohol into the human body. Persons who violate these prohibitions are guilty of a misdemeanor and on conviction are subject to fines not exceeding \$1,000. This

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legislation defines an "AWOL Machine" (Alcohol Without Liquid) as a "device that mixes an alcoholic product with pure oxygen or other gas to produce a vaporized product that can be inhaled."

## **MASSACHUSETTS**

### **S.B. 193**

**Status:** Referred to Senate Committee on Consumer Protection and Professional Licensure (1/10/07)

**S.B. 193** seeks to prohibit licensees from selling, delivering, giving away, permitting to be sold, delivered or given away any alcoholic beverage for dispensation by means of an alcoholic beverage vaporizer. Licensees are further prohibited from keeping, maintaining or using alcoholic beverage vaporizers on their licensed premises or any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible. Licensees may not permit persons to bring, keep, maintain or use alcoholic beverage vaporizers on their licenses premises or any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible.

**S.B. 193** additionally prohibits individuals from purchasing, possessing or using alcoholic beverage vaporizers. For purposes of this legislation, an "alcohol vaporizer" is "any device which, by means of heat, a vibrating element or any method, is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth."

## **MISSOURI**

### **H.B. 136**

**Status:** Public Hearing Completed (2/27/07)

**H.B. 136** prohibits the use or possession of an "alcohol beverage vaporizer." The bill defines the term to mean "any device which, by means of heat, a vibrating element, or any method is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both."

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**H.B. 406**

**Status:** Reported Do Pass (H) (5/2/07)

See summary of H.B. 136

**H.B. 726**

**Status:** Reported Do Pass (H) (4/4/07)

See summary of H.B. 136

**S.B. 38**

**Status:** Combined with S.B. 555 (3/26/07)

See summary of H.B. 136

**S.B. 429**

**Status:** In Conference

See summary of H.B. 136

**S.B. 555**

**Status:** Placed on Informal Calendar (4/16/07)

See summary of H.B. 136

**NEW JERSEY**

**A.B. 2621**

**Status:** Referred to Assembly Law & Public Safety Committee (2/23/07)

**A.B. 2621** seeks to add any vaporizer device through which alcohol may be inhaled or any machine referred to as an alcohol without liquid machine to the definition of "drug paraphernalia." In doing so, this bill effectively prohibits the use, possession, sale, distribution and manufacture of these machines.

## **A.B. 1092**

**Status:** Referred to Assembly Law & Public Safety Committee (1/10/07)

**A.B. 1092** makes it a fourth degree crime to sell, distribute or make available for sale, distribution, or use any vaporizer device through which alcohol may be inhaled or any machine referred to as an alcohol without liquid machine. Violators can be sentenced up to 18 months imprisonment and \$10,000 in fines. Second offenses are third degree crimes and will be punishable by between three and five years imprisonment and up to \$15,000 in fines.

## **NORTH CAROLINA**

### **S.B. 125**

**Status:** Signed by Governor (6/27/07)

**S.B. 125** makes it unlawful for any person to knowingly manufacture, sell, give, deliver, possess or use an alcohol vaporizing device (AVD). An "AVD" is defined as a "device, machine, apparatus, or appliance that is designed or marketed for the purpose of mixing ethyl alcohol with pure or diluted oxygen, or another gas, to produce an alcoholic vapor that an individual can inhale or snort. An "AVD" does not include inhalers, nebulizers, atomizers or other devices that are designed or intended by the manufacturer to dispense either a substance prescribed by a licensed medical provider authorized by law to prescribe the inhalant or chemical substance possessed OR an over-the-counter medication approved by monograph or new drug application under the Federal Food, Drug and Cosmetic Act.

## **NORTH DAKOTA**

### **H.B. 1082**

**Status:** Signed by Governor (3/23/07)

**H.B. 1082** endeavors to create a new section to Chapter 5-01 of the North Dakota Century Code which would make it a class B misdemeanor for a person to sell, offer to sell, purchase, possess, use, or if that person is a retail alcoholic beverage licensee, have on the premises an alcohol without liquid device. Under this new section, an "alcohol without liquid device" means "an apparatus that is advertised, designed, or used to vaporize an alcoholic beverage to produce a vapor that may be inhaled by an individual." Excluded from the definition of the term are inhalers, nebulizers,

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atomizers, or other devices designed and intended specifically for medical purposes to dispense prescribed or over-the-counter medications. Lastly, the provisions within **H.B. 1082** would not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research, or a pharmaceutical company or biotechnology company conducting bona fide research.

## **SOUTH CAROLINA**

### **S.B. 96**

**Status:** Referred to Committee on Judiciary (H) (2/14/06)

**S.B. 96** is an act to amend Chapter 6, Title 61 of the 1976 Code by adding Section 61-6-4155 to provide that it is unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess an alcohol without liquid device. A person who violates this section would be guilty of a misdemeanor and, upon conviction, must be punished as follows: (1) for a first offense, by a fine of three hundred dollars (\$300.00); (2) for a second offense, by a fine of seven hundred fifty dollars (\$750.00) or imprisonment for not more than six (6) months, or both; (3) for a third or subsequent offense, by a fine of three thousand dollars (\$3,000.00) or imprisonment for not more than two (2) years, or both. Upon seizure by law enforcement and examination by the magistrate of the county in which the device is seized, said magistrate must direct that the device be destroyed immediately after the conviction of the violator. The provisions of the section would be inapplicable to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research, or to a pharmaceutical company or biotechnology company conducting bona fide research.

## **WASHINGTON**

### **H.B. 1215**

**Status:** Returned to House Rules Committee for Third Reading (4/22/07)

**H.B. 1215** seeks to create a new section of the Revised Code of Washington that would prohibit a person from selling, offering for sale, purchasing, using, or offering for use an alcohol vaporizing device. The legislation defines "alcohol vaporizing device" as "any mechanical or electrical apparatus that mixes liquor or other alcohol products with

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oxygen or other gases to produce a vapor or mist that can be inhaled.” The prohibitions will not apply to vaporizing devices used for medical or scientific research purposes.

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