



Alcohol Vaporization Devices/ Alcohol Without Liquid Devices- Statutes Prohibiting

Research current through August 22nd, 2014.

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<u>State</u>	<u>Citation(s)</u>	<u>Prohibited Action(s)</u>	<u>Definition(s)</u>	<u>Listed Exception(s)</u>
Arkansas	A.C.A. § 5-60-116	No person shall knowingly: “(B) Breathe or inhale any compound, liquid, or chemical containing ethyl alcohol for the purpose of inducing a condition of intoxication.” “(E) Manufacture, sell, give, deliver, possess, or use an alcohol vaporizing device.”	“Alcohol vaporizing device” means “a device, a machine, an apparatus, or an appliance that is designed or marketed for the purpose of mixing ethyl alcohol with pure or diluted oxygen or any other gas to produce an alcoholic vapor that a person can breathe or inhale.” Does not include “an inhaler, a nebulizer, an atomizer, or any other device” that is designed and intended by the manufacturer to dispense either a substance prescribed by a licensed health care provider or an over-the-counter medication unless the device is “used for the purpose of inducing a condition of intoxication through breathing or inhalation.”	Any person who acts pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe the act. Inhalation of anesthesia for a medical purpose or dental purpose.

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California	Cal. Bus. & Prof. § 25621	No person shall “purchase, offer for sale, or use any vaporized form of alcohol produced by an alcohol vaporizing device.”	“Alcohol vaporizing device” means “any device, machine, or process that 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.”	None.
Colorado	C.R.S.A. § 12-47-902.5	Unlawful for a person “to possess, purchase, sell, offer to sell, or use an AWOL device in this state.”	“AWOL device” means “a device, machine, apparatus, or appliance that mixes an alcohol beverage with pure or diluted oxygen to produce an alcohol vapor that an individual can inhale or snort.” 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.”	Any “[h]ospital, as defined in section 25.5-1-503(3), C.R.S., that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university, as defined in section 23-2-102(11), C.R.S., conducting bona fide research, or to a pharmaceutical company or biotechnology company conducting bona fide research” that files a notice of possession of (or intent to acquire) such device per requirements of statute.

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Connecticut	C.G.S.A. § 30-116	No person shall: (1) “[S]ell, purchase or possess an alcohol vaporization device.” (2) “[P]ermit such a device on premises licensed for the sale of alcoholic liquor.”	“Alcohol vaporization device” means “a device, machine or process which mixes spirits, alcoholic liquors or any product containing alcoholic liquor with oxygen or any other gas to produce a vaporized product for consumption by humans by inhalation.”	None.
Florida	F.S.A. § 562.61	A person may not “sell, offer for sale, purchase, or use an alcohol vaporizing device.”	“Alcohol vaporizing device” means “any device, machine, or process which mixes spirits, liquor, or other alcohol products with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.”	“A[d]ministration or prescription of a product that contains alcohol by a health care practitioner who is licensed under the laws of this state or another state.”

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Georgia	Ga. Code Ann. § 3-3-33	<p>No person shall:</p> <p>(1) “[P]urchase, offer for sale or use, sell, or use any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device.”</p> <p>(2) “[O]wn or possess any alcohol vaporizing device, including but not limited to any machine known as an Alcohol Without Liquid (AWOL) machine.”</p> <p>No operator shall “keep or allow to be kept on the licensed premises thereof any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device.”</p>	<p>“Alcohol vaporizing device” means “any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.”</p>	<p>Use of a “product that contains alcohol as otherwise lawfully prescribed by a health care practitioner who is licensed under Title 43.”</p> <p>A “nebulizer or atomizer” prescribed by a health care practitioner licensed under Title 43.</p>

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Idaho	I.C. § 23-616	A person shall not “use or offer for use, possess, purchase, sell or offer for sale an alcohol without liquid device.” A premise [premises] licensed shall not: “use or offer for use, possess, purchase, sell or offer for sale an alcohol without liquid device.”	“Alcohol without liquid device” means “any machine, device or process that mixes an alcoholic product with oxygen or another gas to produce vaporized alcohol for the purpose of consumption through inhalation.” “Vaporized alcohol” means “an alcoholic product created by mixing alcohol with oxygen or another gas to produce a vapor or mist for the purpose of consumption through inhalation.”	“The Idaho state police may promulgate rules to allow for the possession, sale or use of an alcohol without liquid device by certain hospitals, universities, or pharmaceutical or biotechnology companies for bona fide research or medical purposes.”
Illinois	235 ILCS 5/6-34	No person shall “bring into this State for use or sale any alcohol without liquid machine.”	“Alcohol without liquid machine” means “a device designed or marketed for the purposes of mixing alcohol with oxygen or another gas to produce a mist for inhalation for recreational purposes.”	None.

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Iowa	I.C.A. § 123.49(2)	A person or club holding a liquor control license . . . shall not: “(1) Sell, give, possess, or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.”	None.	None.
Kansas	K.S.A. §21-6321 (formerly §21-4224)	No person shall knowingly: “(1)Use any alcohol without liquid machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; or (2) [P]urchase, sell or offer for sale an alcohol without liquid machine.”	“Alcohol without liquid machine” means “a device designed or marketed for the purpose of mixing alcohol with oxygen or another gas to produce a mist for inhalation for recreational purposes.”	None.

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Kentucky	KRS §241.010(3) (definition); KRS § 243.502 (prohibition)	A person may not “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.”	“Alcohol vaporizing device” or “AWOL device” means “any device, machine, or process that mixes liquor, spirits, or any other alcohol product with pure oxygen or by any other means produces a vaporized alcoholic product used for human consumption.” 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.”	(1) A hospital that operates primarily for the purpose of conducting scientific research; (2) A public institution that is a member of the postsecondary education system or an independent institution as defined in KRS 164.001 that is conducting bona fide research; (3) A pharmaceutical or biotechnology company conducting bona fide research; (4) A manufacturer or distributor that sells an alcohol vaporizing device to one (1) of the entities set out in this subsection; or (5) A device used by a manufacturer in the manufacturing process.

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Louisiana	LSA-R.S. § 14:93.15 (Criminal code) LSA-R.S. §§ 26.90.A(16); 26.286.A(16) (Alcoholic Beverage Control)	Unlawful for any person “to sell, deliver, give away, purchase, possess, or use an alcoholic beverage vaporizer.” No person holding a retail dealer’s permit or their agent may: “(a) Sell, deliver, or give away any alcoholic beverage for dispensation by means of an alcoholic beverage vaporizer. (b) Purchase, possess, or use an alcoholic beverage vaporizer on the licensed premises or any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible. (c) Allow or permit any customer or person to bring, keep, maintain, or use an alcoholic beverage vaporizer on the licensed premises or any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible.”	None.	“[A]ny other vaporizer device used for purposes other than vaporizing alcoholic beverages.”

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Maine	28-A M.R.S.A. § 2088	A person may not: (1) “[U]se vaporized alcohol or an alcohol vaporizing device.” (2) “[S]ell, furnish or give away or offer for sale or offer to furnish or give away vaporized alcohol or an alcohol vaporizing device.”	“Alcohol vaporizing device” means “any device, machine or process that mixes an alcoholic product with pure oxygen or another gas to produce vaporized alcohol for the purpose of consumption through inhalation.” “Vaporized alcohol” means “an alcoholic product created by mixing alcohol with pure oxygen or another gas to produce a vaporized product for the purpose of consumption through inhalation.”	“[V]aporized alcohol or alcohol vaporizing devices used for medical or scientific research.”
Maryland	Md. Code, Art. 2B, § 16-505.1	A person may not: (1) “Use an AWOL machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body.” (2) “With the intent to introduce alcohol into the human body, possess, purchase, transfer, or offer for sale or use an AWOL machine.”	“AWOL machine” means an “Alcohol Without Liquid device, a Vaportini, or any similar device that mixes an alcoholic product with pure oxygen or other gas to produce a vaporized product that can be inhaled.”	None.

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Michigan	M.C.L.A. § 436.1105 (definition) M.C.L.A. § 436.1914 (prohibition)	A person shall not “use or offer for use, possess, sell, or offer for sale an alcohol vapor device.”	“Alcohol vapor device” means “any device that provides for the use of air or oxygen bubbled through alcoholic liquor to produce a vapor or mist that allows the user to inhale this alcoholic vapor through the mouth or nose.”	“The commission may jointly promulgate rules with the department of community health to allow for the sale or use of an alcohol vapor device for research purposes.”
Minnesota	M.S.A. § 340A.706	Unlawful for “any person or business establishment to possess, purchase, sell, offer to sell, or use an alcohol without liquid device.”	“Alcohol without liquid device” means “a device, machine, apparatus, or appliance that mixes an alcoholic beverage with pure or diluted oxygen to produce an alcohol vapor that may be inhaled by an individual.” Does not include “an inhaler, nebulizer, atomizer, or other device that is designed and intended specifically for medical purposes to dispense prescribed or over-the-counter medications.”	“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.”

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Missouri	V.A.M.S. §578.255	“(5) No person shall “possess or use an alcoholic beverage vaporizer.”	“Alcohol beverage vaporizer” means “any device which, by means of heat, a vibrating element, or any other 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.”	“[S]ubstances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.”
Nevada	N.R.S. § 202.067	A person shall not: “(a) Sell or offer for sale, purchase, possess or use an alcohol vaporizing device; or (b) Use the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device.”	“Alcohol vaporizing device” means “a machine or other device which mixes liquor with pure oxygen or any other gas to produce a vaporized product which is consumed by inhalation.”	None.

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New York	N.Y. Alcohol. Bev. Control Law § 117-b N.Y. Gen. Bus. Law § 399-dd	“No licensee shall knowingly possess or make available for use an alcohol vaporizing device upon the premises of an establishment licensed pursuant to this chapter.” “No person, corporation, partnership or limited liability company shall knowingly sell or offer for sale an alcohol vaporizing device.”	“Alcohol vaporizing device” 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.”	None.

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North Carolina	N.C.G.S.A. § 90-113.10A	Unlawful for any person “to knowingly manufacture, sell, give, deliver, possess, or use an alcohol vaporizing device.”	<p>“Alcohol vaporizing device” or “AVD” means “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.”</p> <p>Does not include “an inhaler, nebulizer, atomizer, or other device that is designed and 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 . . . provided the instrument is not used for the purpose of inducing a condition of intoxication through inhalation.”</p>	None.

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North Dakota	NDCC § 5-01-18	A person may not “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.”	<p>“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.</p> <p>Does not include “an inhaler, nebulizer, atomizer, or other device that is designed and intended specifically for medical purposes to dispense prescribed or over-the-counter medications or water.”</p>	“[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.”
Ohio	R.C. § 4301.65	No person shall “sell or offer for sale an alcohol vaporizing device” or “purchase or use an alcohol vaporizing device.”	“Alcohol vaporizing device” means “a machine or other device that mixes beer or intoxicating liquor with pure oxygen or any other gas to produce a vaporized product for the purpose of consumption by inhalation.”	None.

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Oklahoma	21 Okl.St. Ann. § 1220.1	Unlawful for a person “to buy, sell, furnish, manufacture or possess any alcohol inhalation device, alcohol infuser or any other device capable of causing a blood or breath alcohol concentration in the human body by means of fumes, vapors, gases, air particles or matter inhaled directly into the central nervous system by mouth or nasal passages.”	None.	“[A]ny inhalation device which may contain alcohol and is intended or used for medicinal purposes, whether it is available for over-the-counter or by prescription purchase, shall be exempt from these provisions.”
Pennsylvania	47 P.S.A. § 1-102 (definition); 47 P.S.A. § 4-493(32) (prohibition)	It is unlawful “ for any licensee, his servants or agents or employes to possess or permit an alcohol vaporizing device on the licensed premises.”	“Alcohol vaporizing device” shall mean any device, machine or process which mixes spirits, liquors or other alcoholic products with oxygen or any other gas to produce a vaporized product for consumption by inhalation.	None.

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South Carolina	Code 1976 § 61-6-4155	Unlawful for a person “to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess an alcohol without liquid device.”	<p>“Alcohol without liquid device” means “a device, machine, apparatus, or appliance that is designed or marketed for the purpose of mixing alcohol with pure or diluted oxygen, or another gas, to produce an alcoholic vapor that an individual can inhale or snort.”</p> <p>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.”</p>	“Health care provider 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.”

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South Dakota	SDCL § 35-1-13	No person may “[s]ell, offer to sell, purchase, possess, or use an alcohol without liquid device.”	<p>“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.”</p> <p>Does not include “an inhaler, nebulizer, atomizer, or other device that is designed and intended specifically for medical purposes to dispense prescribed or over-the-counter medications or water.”</p>	“[H]ospital 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.”

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Tennessee	T. C. A. § 57-4-205	No licensee shall: (1) “[S]ell, deliver, or give away, or permit to be sold, delivered, or given away, any alcoholic beverage for dispensation by means of an alcohol vaporizing device.” (2) “[B]ring, keep, maintain or use, or permit another to bring, keep, maintain or use, an alcohol vaporizing device on the licensed premises, or on any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible.”	“Alcohol vaporizing device” means “any device, machine or process that, by means of heat, a vibrating element or any other method, mixes spirits, liquor or other alcoholic product with pure oxygen or other gas to produce a vaporized product that is dispensed for inhalation into the lungs through the nose or mouth.”	None.

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Virginia	Va. Code Ann. § 4.1-100 (definition); Va. Code Ann. §§ 4.1-302.1; 4.1-324 (11) (prohibition)	No person shall “purchase, offer for sale or use, sell or use any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device.” No licensee or their agent shall “(11) Keep or allow to be kept or sell any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device.”	“Alcohol vaporizing device” means “any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.”	None.
Wyoming	W.S.1977 § 12-10-101	No person shall “possess, purchase, sell or offer to sell an alcohol without liquid device.”	“Alcohol without liquid device” means “a device, machine, apparatus or appliance that mixes alcoholic liquor with pure or diluted oxygen to produce an alcohol vapor that an individual can inhale.” 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.”	“[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.”

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