

Banning Alcohol-Without-Liquid Devices

This Act prohibits the sale, purchase, and use of devices that create alcohol vapor from a mixture of alcohol beverage and oxygen.

Submitted as:

Colorado

SB05-34

Status: Enacted into law in 2005.

Suggested State Legislation

1 Section 1. [*Short Title.*] This Act may be cited as “An Act to Ban Alcohol-Without-
2 Liquid Devices.”

3

4 Section 2. [*Legislative Findings.*]

5 (1) (a) The [general assembly] hereby finds and declares that:

6 (i) Alcohol-Without-Liquid (AWOL) devices create alcohol vapor by
7 pouring alcohol into a diffuser capsule connected to an oxygen pipe;

8 (ii) AWOL devices enable people to inhale or snort the alcohol vapor
9 created from certain alcohol beverages through a tube into the nose or mouth rather than drink
10 the alcohol beverage in its liquid form through the mouth;

11 (iii) Alcohol vapor ingested from an AWOL device bypasses the stomach
12 and the filtering capabilities of the liver and is absorbed through blood vessels in the nose or
13 lungs creating a faster and more intense “high” or intoxicating effect on the brain;

14 (iv) The popularity of AWOL devices is increasing in the nightclub and
15 bar businesses throughout the nation; and

16 (v) AWOL devices are being marketed as a way to become intoxicated
17 without a hangover and as a “dieter's dream” because there are no calories associated with
18 inhaling or snorting alcohol vapor.

19 (b) The [general assembly], therefore, determines that:

20 (i) AWOL devices will substantially increase the economic costs of alcohol
21 abuse in this state;

22 (ii) AWOL devices are not conducive to the health, safety, and welfare of
23 the citizens of this state; and

24 (iii) The possession, sale, purchase, and use of AWOL devices in this state
25 should be prohibited.

26 (2) For purposes of this Act, “AWOL device” means a device, machine, apparatus, or
27 appliance that mixes an alcohol beverage with pure or diluted oxygen to produce an alcohol
28 vapor that an individual can inhale or snort. “AWOL device” does not include an inhaler,
29 nebulizer, atomizer, or other device that is designed and intended by the manufacturer to
30 dispense a prescribed or over-the-counter medication.

31 (3) Except as otherwise provided in subsection (5) of this section, it is unlawful for a
32 person to possess, purchase, sell, offer to sell, or use an AWOL device in this state. A person
33 who violates this section shall be punished in accordance with [insert citation].

34 (4) In addition to the penalty imposed by this section, if a person that violates subsection
35 (3) of this section is a licensee, the state or local licensing authority may suspend or revoke the
36 license of the licensee in accordance with the provisions of [insert citation].

37 (5) (a) Subsection (3) of this section shall not apply to a hospital, as defined in [insert
38 citation], that operates primarily for the purpose of conducting scientific research, a state
39 institution conducting bona fide research, a private college or university, as defined in [insert
40 citation], conducting bona fide research, or to a pharmaceutical company or biotechnology
41 company conducting bona fide research and that complies with the provisions of this subsection
42 (5).

43 (b) A hospital, state institution, private college or university, pharmaceutical
44 company, or biotechnology company that possesses an AWOL device or that intends to acquire
45 an AWOL device, shall, by [September 1, 2005], or within [thirty days] prior to the acquisition,
46 whichever is later, file with the state [department of public health and environment] or its
47 designee a notice of possession of AWOL device or a notice of acquisition of AWOL device, as
48 appropriate.

49
50 Section 3. [*Penalties.*] Any person violating any of the provisions of this Act commits a
51 [class 2 misdemeanor] and shall be punished as provided in [insert citation].

52
53 Section 4. [*Severability.*] [Insert severability clause.]

54
55 Section 5. [*Repealer.*] [Insert repealer clause.]

56
57 Section 6. [*Effective Date.*] [Insert effective date.]