

HB 241

2005
CS

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to alcohol vaporizing devices; creating s.
7 562.61, F.S.; providing a definition of the term "alcohol
8 vaporizing device"; prohibiting the sale, offer for sale,
9 purchase, or use of machines or devices which vaporize
10 alcohol; providing penalties; providing a fine; providing
11 an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 562.61, Florida Statutes, is created to
16 read:

17 562.61 Sale, offer for sale, purchase, or use of alcohol
18 vaporizing devices prohibited.--

19 (1) For purposes of this section, "alcohol vaporizing
20 device" means any device, machine, or process which mixes
21 spirits, liquor, or other alcohol products with pure oxygen or
22 other gas to produce a vaporized product for the purpose of
23 consumption by inhalation.

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24 (2) No person shall sell, offer for sale, purchase, or use
25 an alcohol vaporizing device.

26 (3)(a) Any person who violates the provisions of this
27 section by selling or offering for sale an alcohol vaporizing
28 device commits a misdemeanor of the first degree, punishable as
29 provided in s. 775.082 or s. 775.083. Any person who violates
30 the provisions of this section by selling or offering for sale
31 an alcohol vaporizing device after having been previously
32 convicted of such an offense within the past 5 years commits a
33 felony of the third degree, punishable as provided in s. 775.082
34 or s. 775.083.

35 (b) Any person who violates this section by purchasing or
36 using an alcohol vaporizing device shall be subject to a fine of
37 \$250.

38 Section 2. This act shall take effect July 1, 2005.