

By the Committee on Criminal Justice; and Senator Haridopolos

591-1969-06

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A bill to be entitled  
An act relating to alcoholic beverages;  
creating s. 562.61, F.S.; providing a  
definition of the term "alcohol vaporizing  
device"; prohibiting the sale, offer for sale,  
purchase, or use of machines or devices that  
vaporize alcohol; providing penalties;  
providing a fine; providing an effective date.

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

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

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

(1) For purposes of this section, the term "alcohol  
vaporizing device" means any device, machine, or process that  
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.

(2) A person may not sell, offer for sale, purchase,  
or use an alcohol vaporizing device.

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

1           (b) Any person who violates this section by purchasing  
2 or using an alcohol vaporizing device commits a noncriminal  
3 violation and is subject to a fine of \$250.

4           (4) This section does not apply to the administration  
5 or prescription of a product that contains alcohol by a health  
6 care practitioner who is licensed under the laws of this state  
7 or another state.

8           Section 2. This act shall take effect July 1, 2006.

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10                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11   COMMITTEE SUBSTITUTE FOR  
12   Senate Bill 1154

13 Provides an exception for the administration or prescription  
14 of alcohol-containing products by a health practitioner  
15 licensed in Florida or another state.  
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