

1 A bill to be entitled
2 An act relating to alcoholic beverages; creating s.
3 562.61, F.S.; providing a definition of the term "alcohol
4 vaporizing device"; prohibiting the sale, offer for sale,
5 purchase, or use of machines or devices which vaporize
6 alcohol; providing penalties; providing a fine; providing
7 that the provisions of the section do not apply to the
8 administration or prescription of a product that contains
9 alcohol by certain licensed health care practitioners;
10 providing an effective date.

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

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

16 562.61 Sale, offer for sale, purchase, or use of alcohol
17 vaporizing devices prohibited.--

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

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

25 (3) (a) Any person who violates this section by selling or
26 offering for sale an alcohol vaporizing device commits a
27 misdemeanor of the first degree, punishable as provided in s.

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

33 | (b) Any person who violates this section by purchasing or
34 | using an alcohol vaporizing device commits a noncriminal
35 | violation with a fine of \$250.

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

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