

ENROLLED  
 HB 95, Engrossed 1

2006 Legislature

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.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 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.

## ENROLLED

HB 95, Engrossed 1

2006 Legislature

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.