

House Bill No. 95

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 which vaporize alcohol; providing penalties; providing a fine; providing that the provisions of the section do not apply to the administration or prescription of a product that contains alcohol by certain licensed health care practitioners; 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 which 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.

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

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

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

Approved by the Governor June 9, 2006.

Filed in Office Secretary of State June 9, 2006.