

HOUSE BILL REPORT

HB 1215

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to regulating alcohol vaporizing devices.

Brief Description: Prohibiting the sale, purchase, or use of alcohol vaporizing devices.

Sponsors: Representative McDonald.

Brief History:

Committee Activity:

Commerce & Labor: 1/26/07, 2/1/07 [DPS].

Brief Summary of Substitute Bill

- Prohibits the sale, offer for sale, purchase, use, or offer for use of an alcohol vaporizing device.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse, Green, Moeller and Williams.

Staff: Joan Elgee (786-7106).

Background:

An alcohol vaporizing device mixes alcohol with oxygen or other gas to produce a vapor or mist for the purpose of inhaling. These devices can be purchased on the internet for about \$300.

At least 20 states have laws making alcohol vaporizing devices illegal.

Liquor Control Board licensees, such as restaurants, taverns, and clubs, are subject to administrative sanction for violation of the liquor laws and rules. Criminal penalties are also provided for licensees as well as other persons who violate the liquor laws.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Substitute Bill:

The sale, offer for sale, purchase, use, or offer for use of an alcohol vaporizing device is illegal. An alcohol vaporizing device is any mechanical or electrical apparatus that mixes liquor or other alcohol product with oxygen or other gas to produce a vapor or mist for the purpose of inhaling.

Licenseses of the Liquor Control Board who violate the prohibition are subject to administrative sanction. Other persons, as well as licenseses, are subject to criminal penalties. The crime is a misdemeanor or gross misdemeanor depending on whether it is a first or subsequent offense.

The prohibition does not apply to vaporizing devices used for medical or scientific research.

Rules Authority: The bill does not address the rule-making powers of an agency.

Substitute Bill Compared to Original Bill:

An alcohol vaporizing device is defined as a "mechanical or electrical apparatus."

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) These devices have a high abuse potential because the alcohol goes straight into the bloodstream from the lungs with a very rapid onset of the intoxicating effect. We need to do all we can to get these devices off the market. They could get into the hands of underage drinkers. We need to ban these devices before we hear of a college student or young person who didn't realize the effect until it was too late.

(Opposed) None.

Persons Testifying: Representative McDonald, prime sponsor; Dave Ducharme, Distilled Spirits Council of the United States; Michael Transue, Washington Restaurant Association; and Rick Garza, Liquor Control Board.

Persons Signed In To Testify But Not Testifying: None.