

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 331

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-616, IDAHO CODE, TO DEFINE THE TERM "POWDERED ALCOHOL," TO PROHIBIT THE POSSESSION, SALE, PURCHASE AND USE OF POWDERED ALCOHOL, AND TO PROVIDE FOR THE REVOCATION OF LIQUOR LICENSES HELD BY VIOLATORS OF THIS SECTION.

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

SECTION 1. That Section 23-616, Idaho Code, be, and the same is hereby amended to read as follows:

23-616. ALCOHOL WITHOUT LIQUID DEVICE -- POWDERED ALCOHOL. (1) As used in this section:

(a) "Alcohol without liquid device" means any machine, device or process that mixes an alcoholic product with oxygen or another gas to produce vaporized alcohol for the purpose of consumption through inhalation.

(b) "Powdered alcohol" means any powder or crystalline substance containing alcohol that is produced for direct use or reconstitution.

(c) "Vaporized alcohol" means an alcoholic product created by mixing alcohol with oxygen or another gas to produce a vapor or mist for the purpose of consumption through inhalation.

(2) A person shall not use or offer for use, possess, purchase, sell or offer for sale an alcohol without liquid device or powdered alcohol. ~~A premise~~ No person licensed pursuant to chapter 9, 10 or 13, title 23, Idaho Code, or his or its employed agents, servants or bartenders shall not use or offer for use, possess, purchase, sell or offer for sale an alcohol without liquid device or powdered alcohol.

(3) The Idaho state police may promulgate rules to allow for the possession, sale or use of an alcohol without liquid device or powdered alcohol by certain hospitals, universities, or pharmaceutical or biotechnology companies for bona fide research or medical purposes.

(4) A person who violates this section shall be guilty of a misdemeanor. Upon conviction or a finding of guilt of a second or subsequent violation of this section, the defendant shall be punished by a fine of not less than three hundred dollars (\$300), nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not less than three (3) months, nor more than one (1) year, or by both such fine and imprisonment.

(5) Any violation of the provisions of this section by a person licensed pursuant to title 23, Idaho Code, shall constitute grounds for the suspension and revocation of any and all such licenses issued to such person.

(6) An alcohol without liquid device or powdered alcohol as defined in this section and except as in this section authorized is hereby declared to be a public nuisance and in this title is referred to as a liquor nuisance pursuant to section 23-701, Idaho Code.