

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 331, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-616, IDAHO CODE, TO
2 DEFINE THE TERM "POWDERED ALCOHOL," TO PROHIBIT THE POSSESSION, SALE,
3 PURCHASE AND USE OF POWDERED ALCOHOL, TO REVISE CRIMINAL PENALTIES AND
4 TO PROVIDE FOR THE REVOCATION OF LIQUOR LICENSES HELD BY VIOLATORS OF
5 THIS SECTION.
6

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

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

10 23-616. ALCOHOL WITHOUT LIQUID DEVICE -- POWDERED ALCOHOL. (1) As used
11 in this section:

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

16 (b) "Powdered alcohol" means any powder or crystalline substance con-
17 taining alcohol that is produced for direct use or reconstitution.
18 "Powdered alcohol" does not include alcoholic nonbeverages listed in
19 section 23-504, Idaho Code.

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

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

29 (3) The Idaho state police may promulgate rules to allow for the posses-
30 sion, sale or use of an alcohol without liquid device or powdered alcohol by
31 certain hospitals, universities, or pharmaceutical or biotechnology compa-
32 nies for bona fide research or medical purposes.

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

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

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