

ALCOHOL WITHOUT LIQUID (AWOL) MACHINES

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House Bill 5067 as enrolled

Public Act 320 of 2005

Sponsor: Rep. Rick Jones

House Committee: Regulatory Reform

Senate Committee: Economic Development, Small Business, and Regulatory Reform

Second Analysis (8-15-06)

BRIEF SUMMARY: The bill would amend the Michigan Liquor Control Code to prohibit the use of an "alcohol vapor device."

FISCAL IMPACT: There is no fiscal impact on the State of Michigan. Local units of government may be affected by additional enforcement duties, but this is an indeterminate amount, and not expected to be significant.

THE APPARENT PROBLEM:

A British entrepreneur, Dominic Simler, has created a device that allows users to inhale vaporized alcohol along with oxygen, a machine he calls Alcohol Without Liquid, or AWOL. The machine, available on the East Coast since the summer of 2004, takes hard liquor and disperses it as vapor in an oxygen mist. The cost of the commercial unit, which resembles an inhaler, is about \$3,000, while home-style units can be ordered on-line for \$299.

The AWOL machine is advertised as "the ultimate party tool," amid promises of hang-over-free and calorie-free alcohol consumption. Neither claim is true. For example, most of the calories in liquor come from either ingesting or inhaling ethanol, an alcohol that is present in all alcoholic beverages, liquid or vaporized. What's more, there are many factors that contribute to hangovers—dehydration, the disruption of electrolyte balances, and changes in sleep rhythms—again, all caused by ethanol, which would occur whether ingested or inhaled. Despite these dubious claims, the machine does seem likely to cause a more rapid and potentially dangerous "buzz," because when a shot of vodka or whiskey is poured into an AWOL machine and inhaled, the alcohol enters the lungs and diffuses directly into the bloodstream. (In fact, research scientists often expose experimental rats to air mixed with vaporized alcohol in order to quickly addict them in a few days and study their withdrawal behavior.) To avoid addiction, the machine is designed to diffuse one shot of alcohol slowly over 20 minutes, and users are advised to inhale no more than two shots during a 24-hour period.

Citing concerns about addiction and abuse, critics in the U. S. Congress, several states (New York, Maine and Colorado, to name three), and several local units of government (New York City, Suffolk County, Monroe County, and Nassau County) have proposed

banning the use of AWOL devices within their jurisdictions. To that end, a bill has been introduced in the Michigan legislature.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Liquor Control Code to prohibit the use of an "alcohol vapor device." This is defined as any device that provides for the use of air or oxygen bubbled through alcoholic liquor (beer, wine, or spirits) to produce a vapor or mist that allows the user to inhale the vapor through the mouth or nose.

Specifically, the bill would prohibit a person from using, offering for use, possessing, selling, or offering for sale an alcohol vapor device. A violation would be a misdemeanor, punishable by a fine of not more than \$500 and/or imprisonment for not more than six months. (This is the standard liquor code misdemeanor penalty.)

MCL 436.1105

ARGUMENTS:

For:

This bill to ban the use of so-called AWOL devices—machines that disperse the vapors of alcohol in an oxygen mist—is necessary to protect the health and well-being of young people. Customarily, many young people experiment with addictive substances including alcohol, testing their system's tolerance, and alcohol's effects. The AWOL device causes a more rapid and potentially dangerous "buzz," because the vapors are inhaled rather than ingested as a liquid. When a shot of vodka or whiskey is poured into an AWOL machine and inhaled, the alcohol enters the lungs and diffuses directly into the bloodstream. Aware that the machine can cause a more intense "high" and, perhaps, hasten addiction, the manufacturers have designed one version of the machine to diffuse one shot of alcohol slowly over 20 minutes, and users are advised to inhale no more than two shots during a 24-hour period. The potential danger of the AWOL device warrants its outright ban in the marketplace.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.