



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5067 (Substitute S-1 as reported)
Sponsor: Representative Rick Jones
House Committee: Regulatory Reform
Senate Committee: Economic Development, Small Business and Regulatory Reform

Date Completed: 11-22-05

RATIONALE

An alcohol without liquid (AWOL) device allows the user to inhale vaporized alcohol along with oxygen. The device, which takes hard liquor and disperses it as a vapor in an oxygen mist, has been available in the United States since 2004. The device's distributor claims that it delivers the effects of liquid alcohol with fewer carbohydrates and without hangovers. Critics of the device contend that it allows alcohol to enter the bloodstream directly through the lungs, which results in a more rapid and intense "high" than drinking the alcohol would produce. Some people believe that AWOL machines and their use should be banned in Michigan because they could lead to alcohol abuse and addiction.

CONTENT

The bill would amend the Michigan Liquor Control Code to prohibit a person from using, offering for use, possessing, selling, or offering for sale an alcohol vapor device. A person who did so would be guilty of a misdemeanor punishable in the manner provided for in the Code.

"Alcohol vapor device" would mean any device that provides for the use of air or oxygen bubbled through alcoholic liquor to produce a vapor or mist that allows the user to inhale the alcoholic vapor through the mouth or nose.

The Liquor Control Commission could jointly promulgate rules with the Department of Community Health to allow for the sale or use of an alcohol vapor device for research purposes.

(Under the Code, a person, other than a person required to be licensed under the statute, who violates the Code is guilty of a misdemeanor. (Under the Michigan Penal Code, a misdemeanor for which a penalty is not specified, is punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.) Except as otherwise provided, a licensee who violates the Liquor Control Code, or a rule or regulation promulgated under it, is guilty of a misdemeanor punishable by imprisonment for not more than six months or a fine of not more than \$500, or both.)

MCL 436.1105

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Alcohol without liquid devices promote irresponsible drinking and alcohol abuse. The devices cause a more rapid, intense, and potentially dangerous "high" because alcohol is inhaled as a vapor, rather than ingested as a liquid, and is not subject to the protective effects of the digestive system. The machines also have the potential to hasten alcohol addiction in their users because of the rapid rush of alcohol to the brain. Additionally, some AWOL machines are designed to be placed in bars and operate unattended. It would be difficult for bar staff to monitor the amount of alcohol being consumed by a patron and could leave the owner liable for accidents that resulted from intoxication caused by the

use of the AWOL device. Due the potential dangers of the AWOL device, its sale and use should be banned in Michigan.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of using, possessing, selling, or offering for sale or use an alcohol vapor device. An offender convicted of the misdemeanor who is a licensee under the Michigan Liquor Control Code could be fined up to \$500 and/or imprisoned for not more than six months. An offender convicted of the misdemeanor who is not a licensee could be fined up to \$500 and/or imprisoned for not more than 90 days. Local governments would incur the costs of incarceration in local facilities, which vary by county. Public libraries would benefit from any additional penal fine revenue raised.

The bill would have no fiscal impact on the Liquor Control Commission.

Fiscal Analyst: Lindsay Hollander
Elizabeth Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.