HOUSE DOCKET, NO. FILED ON: 1/16/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**John F. Quinn**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the prohibition of alcoholic beverage vaporizers.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| John F. Quinn | 9th Bristol |
| Michael J. Rodrigues | 8th Bristol |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act relative to the prohibition of alcoholic beverage vaporizers.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 138 of the General Laws, as appearing in the 2002 official edition, is

hereby amended by inserting the following new section:-

138:25G    Alcoholic beverage vaporizers prohibited

No holder of a license issued under this chapter shall sell, deliver, or give away, or permit to be sold, delivered, or given away any alcoholic beverage for dispensation by means of an alcoholic beverage vaporizer.  No such licensee shall bring, keep, maintain or use an alcoholic beverage vaporizer on the licensed premises, or any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible.  No licensee shall suffer or permit any person to bring, keep, maintain or use an alcoholic beverage vaporizer on the licensed premises, or any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible.  For purposes of this section an alcoholic vaporizer shall mean any  device which,  by  means of heat, a vibrating element or any method, is capable of producing a breathable  mixture  containing  one  or  more  alcoholic beverages  to  be  dispensed  for inhalation into the lungs via the nose and/or mouth.

SECTION 2.  Chapter 270 of the General Laws, as appearing in the 2002 official edition, is hereby amended by inserting the following new section:-

270:18A    Alcoholic beverage vaporizers

No person shall purchase, possess or use an alcoholic beverage vaporizer.  For purposes of this section an alcoholic vaporizer shall mean any  device which,  by  means of heat, a vibrating element or any method, is capable of producing a breathable  mixture  containing  one  or  more  alcoholic beverages  to  be  dispensed  for inhalation into the lungs via the nose and/or mouth.

Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both.