

BILL ANALYSIS

C.S.H.B. 3122
By: Giddings
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas law does not prohibit the sale or possession of a device that vaporizes alcoholic beverages for the purpose of inhaling the beverage rather than drinking it.

The spread of alcoholic vaporization devices throughout the country has created a cause for concern for the health and welfare of the public. Because alcohol fumes are transported directly to the lungs and defuse into the blood stream faster than liquid alcohol would, inhalers would experience a much more rapid and intense buzz and it would be increasingly difficult to gauge whether someone is too intoxicated to drive or operate heavy machinery. Recent medical reports indicate that prolonged use of such a method could cause damage to tissues of the nose and brain. Furthermore, since the same process of alcohol vaporization is used to study the effects of alcohol addiction on mice; it is a cause for concern that the "euphoric high" cause by the inhalation of alcohol would lead to an increase in alcohol addiction in humans.

C.S.H.B. 3122 would make it a Class C misdemeanor to sell or possess a device that would vaporize alcoholic beverages for the purposes of inhalation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 101, Alcoholic Beverage Code, by adding Section 101.76, as follows:

Sec. 101.76. ALCOHOLIC BEVERAGE VAPORIZING DEVICES PROHIBITED. (a) Provides that a person commits an offense if the person sells or possesses a device that vaporizes alcoholic beverages for the purpose of allowing the alcoholic beverages to be inhaled.

(b) Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3122 modifies the original by removing language that would have made the offense a misdemeanor, rather than a Class C misdemeanor, punishable by a fine of \$1,000, up to one year in jail, or both.

The substitute modifies the original by removing the "use" of a device from the caption of the bill.

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