

# HOUSE . . . . . No. 292

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Nine  
\_\_\_\_\_

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:*

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

3           hereby amended by inserting the following new section:-

4           138:25G   Alcoholic beverage vaporizers prohibited

5           No holder of a license issued under this chapter shall sell, deliver, or give away, or permit  
6    to be sold, delivered, or given away any alcoholic beverage for dispensation by means of an  
7    alcoholic beverage vaporizer. No such licensee shall bring, keep, maintain or use an alcoholic  
8    beverage vaporizer on the licensed premises, or any area related to the licensed business over  
9    which the licensee exercises control or for which the licensee is responsible. No licensee shall  
10   suffer or permit any person to bring, keep, maintain or use an alcoholic beverage vaporizer on  
11   the licensed premises, or any area related to the licensed business over which the licensee  
12   exercises control or for which the licensee is responsible. For purposes of this section an  
13   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.