

CHAPTER NO. 402

SENATE BILL NO. 631

By Black, Burchett, Burks, Kurita

Substituted for: House Bill No. 425

By Hargett, McDaniel, Overbey, Harrison

AN ACT to amend Tennessee Code Annotated, Title 57, relative to alcohol vaporizing devices and the use of such devices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 4, Part 2, is amended by adding the following new section:

§ 57-4-2___. (a) As used in this section, "alcohol vaporizing device" means any device, machine or process that, by means of heat, a vibrating element or any other method, mixes spirits, liquor or other alcoholic product with pure oxygen or other gas to produce a vaporized product that is dispensed for inhalation into the lungs through the nose or mouth.

(b) No licensee shall sell, deliver, or give away, or permit to be sold, delivered, or given away, any alcoholic beverage for dispensation by means of an alcohol vaporizing device.

(c) No licensee shall bring, keep, maintain or use, or permit another to bring, keep, maintain or use, an alcohol vaporizing device on the licensed premises, or on any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible.

(d)(1) A first violation of this section is a Class A misdemeanor and is grounds for suspension of the licensee's license for a period not to exceed sixty (60) days.

(2) A second violation of this section is a Class A misdemeanor and shall result in the suspension of the licensee's license for a period of not less than thirty (30) days nor more than ninety (90) days.

A third or subsequent violation of this section is a Class E felony and shall result in suspension of the licensee's license for a period of one (1) year.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 28, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of June 2005


PHIL BREDESEN, GOVERNOR