



H.B. 211

126th General Assembly
(As Introduced)

Reps. Oelslager, Kearns, Carano, Healy, Hartnett, Ujvagi, Perry, Seaver, Garrison, Cassell, Mason, Chandler, Hughes, Skindell, Key

BILL SUMMARY

- Prohibits the sale, offering for sale, purchase, and use of alcohol vaporizing devices.
- Excludes from prohibitions in the Opened Container Law motor vehicle operators who possess opened wine bottles purchased at restaurants when transporting them in a vehicle in certain manners.

CONTENT AND OPERATION

Prohibitions relating to alcohol vaporizing devices

The bill prohibits any person from selling or offering for sale, or from purchasing or using, an alcohol vaporizing device (R.C. 4301.65(B) and (C)). "Alcohol vaporizing device" means a machine or other device that mixes beer or intoxicating liquor with pure oxygen or any other gas to produce a vaporized product for the purpose of consumption by inhalation (R.C. 4301.65(A)).

A person who purchases or uses an alcohol vaporizing device is guilty of a minor misdemeanor (R.C. 4301.99(A)). A person who sells or offers for sale an alcohol vaporizing device generally is guilty of a misdemeanor of the third degree, but, on a second or subsequent violation of that nature within a period of five consecutive years after the first violation, the person is guilty of a misdemeanor of the first degree (R.C. 4301.99(J)).

Possession of an opened wine bottle in a motor vehicle

Current law generally prohibits a person from possessing an opened container of beer or intoxicating liquor while operating or while being in or on a stationary or moving motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking

(R.C. 4301.62(B)(4) or (5)). An exception to these prohibitions exists for persons who pay all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or guests of such a person, when certain circumstances apply (R.C. 4301.62(D)).

The bill additionally provides that these prohibitions do not apply to a person who has in a motor vehicle that the person *is operating* an opened bottle of wine that was purchased from the holder of a D liquor permit issued to a restaurant and that is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers (R.C. 4301.62(E)). The Liquor Control Law generally defines a "restaurant" as a place located in a permanent building provided with space and accommodations where, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening as the principal business of the place; pharmacies, confectionary stores, lunch stands, night clubs, and filling stations are not considered to be "restaurants" (R.C. 4301.01(B)(12)--not in the bill).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-20-05	p. 684

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