

108TH CONGRESS
2D SESSION

H. R. 5173

To prohibit the sale of any alcohol without liquid machine without premarket approval, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2004

Mr. BEAUPREZ introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To prohibit the sale of any alcohol without liquid machine
without premarket approval, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alcohol Without Liquid
5 Machine Safety Act of 2004”.

6 **SEC. 2. ALCOHOL WITHOUT LIQUID MACHINES.**

7 (a) PROHIBITION.—It shall be unlawful for any per-
8 son to introduce or deliver for introduction into interstate
9 commerce any alcohol without liquid machine, unless an

1 approval of an application submitted pursuant to sub-
2 section (b) is in effect with respect to such machine.

3 (b) APPLICATION.—Any person may file with the
4 Commissioner an application for premarket approval of an
5 alcohol without liquid machine. Such an application shall
6 be submitted in such manner, and containing such infor-
7 mation, as the Commissioner may require.

8 (c) APPROVAL.—Upon receipt of an application sub-
9 mitted pursuant to subsection (b), the Commissioner
10 shall—

11 (1) issue an order approving the application if
12 the person submitting the application demonstrates
13 to the Commissioner's satisfaction that the alcohol
14 without liquid machine is safe; or

15 (2) deny approval of the application if the per-
16 son submitting the application fails to demonstrate
17 to the Commissioner's satisfaction that the alcohol
18 without liquid machine is safe.

19 (d) WITHDRAWAL OF APPROVAL.—The Secretary
20 may issue an order withdrawing approval of an application
21 submitted pursuant to subsection (b) if the Secretary finds
22 that the alcohol without liquid machine is unsafe.

23 (e) PENALTY.—The provisions of the Federal Food,
24 Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) shall
25 apply to a violation of subsection (a) in the same manner

1 and to the same extent as such provisions apply to a viola-
2 tion of section 515 of such Act (21 U.S.C. 360e; regarding
3 premarket approval of class III devices).

4 (f) DEFINITIONS.—For purposes of this Act:

5 (1) The term “alcohol without liquid machine”
6 means a device designed or marketed for the pur-
7 pose of mixing alcohol with oxygen or another gas
8 to produce a mist for inhalation for recreational pur-
9 poses.

10 (2) The term “Commissioner” means the Com-
11 missioner of Food and Drugs.

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