

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0569.01 Christy Chase x2008

HOUSE BILL 15-1031

HOUSE SPONSORSHIP

Windholz,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A BAN ON POWDERED ALCOHOL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill prohibits the use, possession, sale, purchase, transfer, or manufacture of powdered alcohol. A person who violates the prohibition commits a class 2 misdemeanor. Research hospitals, educational institutions, and pharmaceutical or biotechnology companies conducting bona fide research are excluded from the prohibition. If the federal food and drug administration approves the use of powdered alcohol and the state enacts and implements a mechanism for regulating powdered alcohol, the prohibition is repealed.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-47-902.7 as
3 follows:

4 **12-47-902.7. Powdered alcohol - unlawful acts - penalties -**
5 **exceptions - definitions - repeal.** (1) AS USED IN THIS SECTION:

6 (a) "HOSPITAL" MEANS AN INSTITUTION HOLDING A LICENSE OR
7 CERTIFICATE OF COMPLIANCE AS A HOSPITAL ISSUED BY THE DEPARTMENT
8 OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103
9 (1) (a) (I) OR (1) (a) (II), C.R.S.

10 (b) "POWDERED ALCOHOL" MEANS ALCOHOL THAT IS PREPARED OR
11 SOLD IN A POWDER OR CRYSTALLINE FORM FOR EITHER DIRECT USE OR
12 RECONSTITUTION.

13 (c) "PRIVATE COLLEGE OR UNIVERSITY" HAS THE SAME MEANING
14 AS SPECIFIED IN SECTION 23-2-102 (11), C.R.S.

15 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS
16 SECTION, A PERSON SHALL NOT USE, OFFER FOR USE, PURCHASE, OFFER TO
17 PURCHASE, SELL, OFFER TO SELL, TRANSFER, OFFER TO TRANSFER, POSSESS,
18 OR MANUFACTURE POWDERED ALCOHOL.

19 (3) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO
20 PUNISHMENT IN ACCORDANCE WITH SECTION 12-47-903 (2).

21 (4) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING
22 ENTITIES:

23 (a) A HOSPITAL THAT OPERATES PRIMARILY FOR THE PURPOSE OF
24 CONDUCTING SCIENTIFIC RESEARCH;

25 (b) A STATE INSTITUTION CONDUCTING BONA FIDE RESEARCH;

26 (c) A PRIVATE COLLEGE OR UNIVERSITY CONDUCTING BONA FIDE

1 RESEARCH; OR

2 (d) A PHARMACEUTICAL COMPANY OR BIOTECHNOLOGY COMPANY
3 CONDUCTING BONA FIDE RESEARCH.

4

5 (5) (a) THIS SECTION IS REPEALED IF:

6 (I) THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
7 APPROVES THE USE, PURCHASE, SALE, POSSESSION, OR MANUFACTURING
8 OF POWDERED ALCOHOL IN THE UNITED STATES; AND

9 (II) THE STATE LICENSING AUTHORITY ESTABLISHES AND
10 IMPLEMENTS A MECHANISM FOR REGULATING THE MANUFACTURE,
11 PURCHASE, SALE, POSSESSION, AND USE OF POWDERED ALCOHOL.

12 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
13 SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, IF THE CONDITIONS
14 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5) OCCUR.

15 **SECTION 2.** In Colorado Revised Statutes, 12-47-903, **amend**
16 (2) as follows:

17 **12-47-903. Violations - penalties.** (2) Any person violating any
18 of the provisions of section 12-47-901 (1) (a), (1) (f), (1) (g), (1) (i), (1)
19 (k), (1) (l), (5) (a) (I), or (5) (b), ~~or section~~ 12-47-902.5, OR 12-47-902.7
20 commits a class 2 misdemeanor and shall be punished as provided in
21 section 18-1.3-501, C.R.S.

22 **SECTION 3. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.