

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

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of powdered alcohol and the state enacts and implements a mechanism for regulating powdered alcohol, the prohibition is repealed.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 FORM FOR EITHER DIRECT USE OR RECONSTITUTION.

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

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

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

20 (4) (a) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING
21 ENTITIES IF THE ENTITY COMPLIES WITH THE REQUIREMENTS OF
22 PARAGRAPH (b) OF THIS SUBSECTION (4):

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

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

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

1 RESEARCH; OR

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

4 (b) A HOSPITAL, STATE INSTITUTION, PRIVATE COLLEGE OR
5 UNIVERSITY, PHARMACEUTICAL COMPANY, OR BIOTECHNOLOGY COMPANY
6 THAT POSSESSES POWDERED ALCOHOL ON THE EFFECTIVE DATE OF THIS
7 SECTION OR THAT INTENDS TO ACQUIRE POWDERED ALCOHOL ON OR AFTER
8 THE EFFECTIVE DATE OF THIS SECTION SHALL FILE WITH THE COLORADO
9 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR ITS DESIGNEE A
10 NOTICE OF POSSESSION OF POWDERED ALCOHOL BY SEPTEMBER 1, 2015,
11 OR A NOTICE OF ACQUISITION OF POWDERED ALCOHOL WITHIN THIRTY
12 DAYS PRIOR TO ACQUIRING POWDERED ALCOHOL.

13 (5) (a) THIS SECTION IS REPEALED IF:

14 (I) THE FEDERAL FOOD AND DRUG ADMINISTRATION APPROVES THE
15 USE, PURCHASE, SALE, POSSESSION, OR MANUFACTURING OF POWDERED
16 ALCOHOL IN THE UNITED STATES; AND

17 (II) THE STATE ESTABLISHES AND IMPLEMENTS A MECHANISM FOR
18 REGULATING THE MANUFACTURE, PURCHASE, SALE, POSSESSION, AND USE
19 OF POWDERED ALCOHOL.

20 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF STATE
21 GOVERNMENT RESPONSIBLE FOR IMPLEMENTING AND ADMINISTERING THE
22 REGULATION OF POWDERED ALCOHOL SHALL NOTIFY THE REVISOR OF
23 STATUTES, IN WRITING, IF THE CONDITIONS SPECIFIED IN PARAGRAPH (a)
24 OF THIS SUBSECTION (5) OCCUR.

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

27 **12-47-903. Violations - penalties.** (2) Any person violating any

1 of the provisions of section 12-47-901 (1) (a), (1) (f), (1) (g), (1) (i), (1)
2 (k), (1) (l), (5) (a) (I), or (5) (b), ~~or section 12-47-902.5, OR 12-47-902.7~~
3 commits a class 2 misdemeanor and shall be punished as provided in
4 section 18-1.3-501, C.R.S.

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