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April 19, 2007

The Honorable Martin J. O'Malley
Governor of Maryland
State House
Annapolis, Maryland 21401-1991

Re: House Bill 670

Dear Governor:

We have reviewed and hereby approve the constitutionality and legal sufficiency of House Bill 670, which prohibits the use of an Alcohol Without Liquid Machine (AWOL) and provides a penalty provision for a violation of the section.

An AWOL machine is a device that has been described by its promoters as “a high-tech hookah” and the “ultimate party machine.” It vaporizes distilled spirits and mixes it with oxygen, allowing the user to breathe in the mixture. The full safety and health risks associated with these machines are not fully known. Scientists note that because vaporized alcohol enters the bloodstream directly, bypassing the stomach and liver, its effects are much faster than drinking alcohol. According to the National Alliance for Model State Drug Laws, as of January 2007, 21 other states had laws banning AWOL machines. There is currently no federal legislation relating to AWOL machines.

For these reasons, it is our view that House Bill 670 is constitutional and legally sufficient.

Sincerely,

Douglas F. Gansler
Attorney General

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