

Powdered Alcohol Testimony

Minnesota Department of Health

Chair and Members, My name is Dr. Ed Ehlinger, Commissioner of the Minnesota Department of Health. Thank you for allowing me to testify on powdered alcohol.

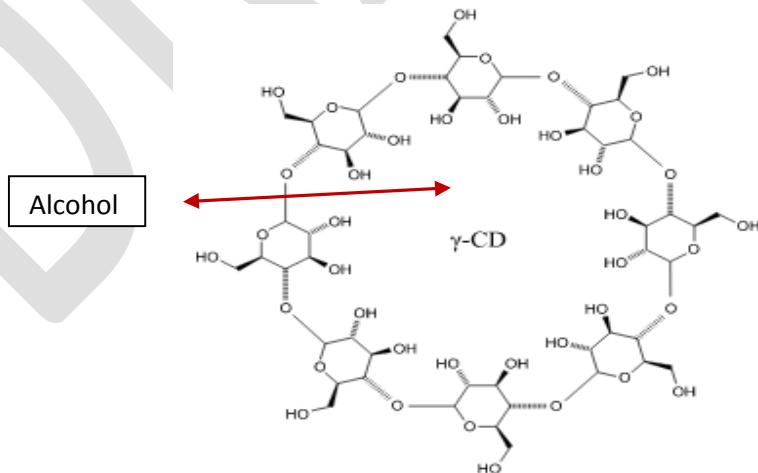
Purpose

On May 1, 2015, Governor Dayton signed the Minnesota omnibus liquor bill, [SF 1238](#) it into law as [Chapter 9](#). Section 13 directed me to “*prepare testimony for the Health and Human Services Reform Committee, and any other relevant committee, about the public health impact of powdered alcohol, to address whether there is a potential for greater abuse of and addiction to powdered alcohol relative to malt liquor, wine, and distilled spirits; and to make recommendations for legislation addressing any stated concerns.*”(Appendix A for full text)

What is Powdered Alcohol?

Many people are often surprised or have puzzled looks when they hear the term “powdered alcohol.” Patents to encapsulate alcohol in a powder go back to the 1960s and 1970s in the food industry, with a product being used in Japan ([Sato Foods Industries](#)) since the late 1970s as an additive in only commercial food applications to jelly, chocolate and other foods.

Powdered alcohol is developed by having liquid alcohol absorbed or encapsulated by a carbohydrate based powder (e.g. Dextrin) which can hold up to 60 percent of its own weight in alcohol.

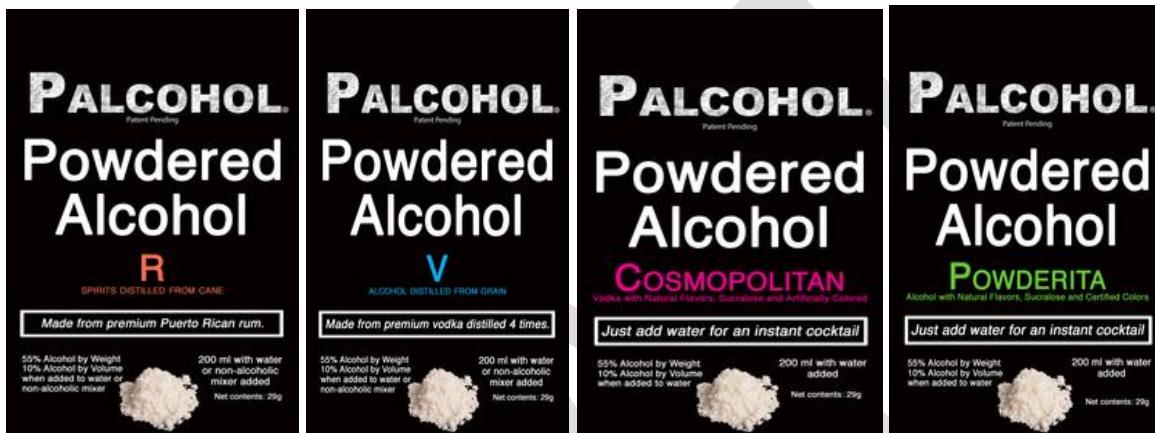


When this powder is combined with water, the sugar-derivative encapsulating the alcohol dissolves, releasing the alcohol into the liquid, creating an alcoholic beverage.

Palcohol: A new product triggers a national wave of concern

In April, 2014, the U.S. Alcohol and Tobacco Tax and Trade Bureau approved the labels for sale of a powdered alcohol product called [Palcohol](#).

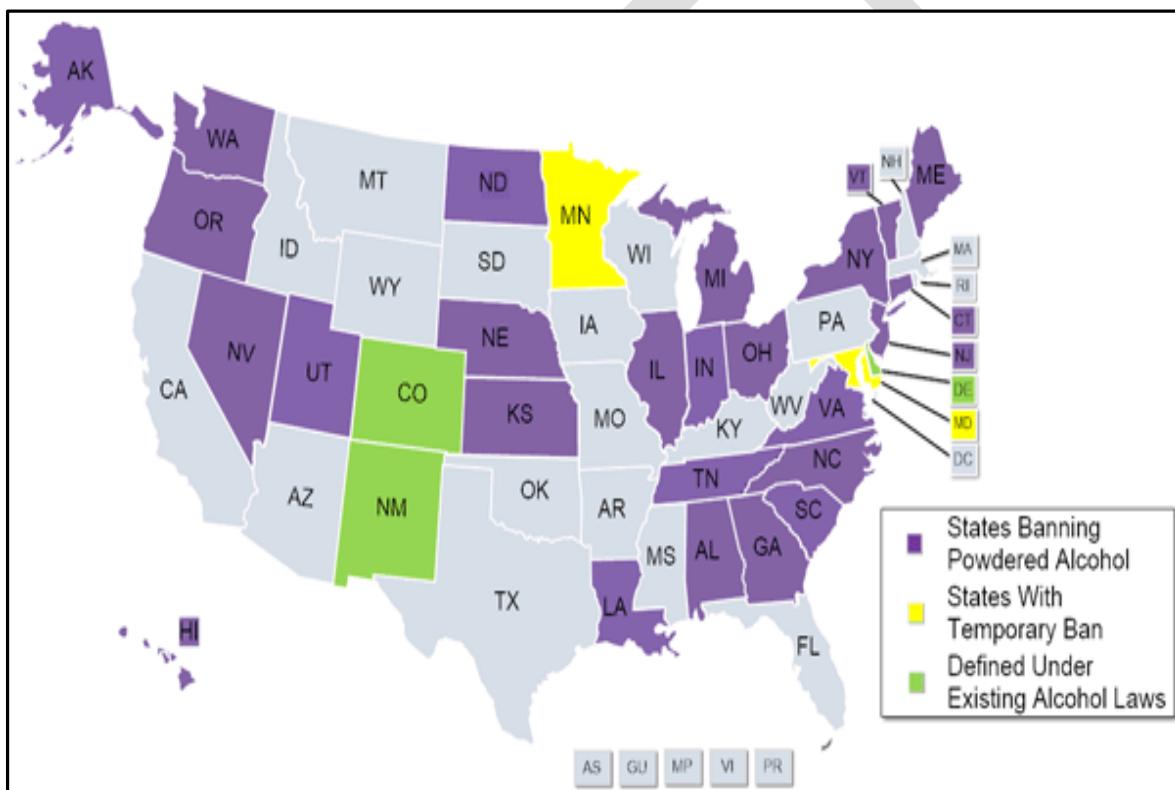
The one ounce (29 grams) powdered alcohol product would come in a 4 by 6 inch sealed pouch and be available in four types Rum-flavored, Vodka-flavored, Cosmopolitan and Powderita that when mixed with 6 ounces of fluid (water, mixer, juice, etc.), would be the equivalent of one shot of alcohol or 12 ounces of beer.



According to the bi-partisan [National Conference of State Legislatures](#), as of November 10, 2015, **twenty-seven states have statutory bans on powdered alcohol** (Alabama, Alaska, Connecticut, Georgia, Hawaii, Kansas, Illinois, Indiana, Louisiana, Maine, Michigan, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, South Carolina, Tennessee, Utah, Vermont, Virginia and Washington. **Minnesota and Maryland have temporary one-year statutory bans.**

According to [National Alcohol Beverage Control Association](#) (NABC) three additional states (Massachusetts, Pennsylvania, and New Hampshire) have powdered alcohol bans via state alcohol control agency policy.

Three states (Colorado, Delaware and New Mexico) have included powdered alcohol in their statutory definitions of alcohol so it can be regulated under their existing alcohol statutes.



<http://www.ncsl.org/research/financial-services-and-commerce/powdered-alcohol-2015-legislation.aspx>

What are the public health risks/dangers?

There is limited information on powdered alcohol being used in the retail or alcohol beverage market. Powdered alcohol when used as designed will create a drink that is equivalent to a shot of liquor and will have the same biological and psychological effects on the adult consumer in the same manner as liquid alcohol. However, in reviewing available information, public and political discussions, in addition to the typical dangers of alcohol misuse and abuse, powdered alcohol has a number of unique risks for abuse:

1. ***Increased access to and by youth*** — Touted as convenient and easily transported by the manufacturer it may be *too convenient* for youth. Its ability to be easily transported, hidden, for example in a school text book, note book, locker or in one's pockets and used secretly raises its attractiveness and potential for underage misuse.

As a former director of a University Health Service, I have seen novel alcohol products like alcoholic energy drinks or Jell-O shots marketed with great success to risk taking and experimenting youth and young adults, especially binge drinkers. This approach leads to an increase in binge drinking among these groups. **Minnesota already has one of the highest adult binge drinking rates in the nation. In 2013, 21% of Minnesotans (18 and older) reported binge drinking which was the 6th highest in the nation.** Anything that would lead to an increase in that rate would not be good for the overall health of the public.

David Jernigan, Director of the Center on Alcohol Marketing and Youth at the Johns Hopkins Bloomberg School of Public Health, issued a statement in opposition to powdered alcohol earlier this year, suggesting it will appeal to young binge drinkers.

"The decision by federal regulators to approve the sale of powdered alcohol is disappointing. Based on our experience with Jell-O shots, alcoholic energy drinks and other "cutting edge" alcohol products, we anticipate that allowing powdered alcohol onto the market will have grave consequences for our nation's young people. Youth is a time of risk-taking and experimentation, and these types of products have proven most popular among the heaviest drinking and more risk-prone youth. Currently, 4,300 young people under age 21 die each year from alcohol-related causes. Our efforts should be focused on making alcoholic products less, not more, available to our nation's youth."

As Commissioner of Health, I totally support this perspective.

2. ***Overuse or dangerous use*** — Because powdered alcohol can be ingested in dry form or added to cocktails that already contain alcohol or added to caffeinated drinks, alcohol poisoning is a real concern. I would remind legislators that according to the CDC report in January of this year, **Minnesota had the 8th highest death rate in the nation for Alcohol Poisoning Deaths**

3. ***Snorting*** — when first approved, the Palcohol website stated alternative uses for the product. For example, “*Yes, you can snort it. And you’ll get drunk almost instantly because the alcohol will be absorbed so quickly in your nose. Good idea? No. It will mess you up. Use Palcohol responsibly.*” The website has taken that statement down. To quote a legislator during [New Jersey Bill to Prohibit Sale of Powered Alcohol](#) “The makers of this product say people would be foolish to try to snort this product. I guess they never heard of the cinnamon challenge or the fire challenge. Young people are impressionable; even more so in our social media age. The last thing we need is another potentially dangerous fad for young people to get into and promote on the Internet.”
4. ***Unsuspected use*** - Due to its powered form, concerns have been broadly raised that it may be mixed into another person’s drink to increase their level of intoxication unknowingly. Dr. Timothy Naimi from Boston Medical Center recently wrote in JAMA (*Powdered Alcohol Products: New Challenge in an Era of Needed Regulation*), “Powered alcohol could readily be used to ‘spike’ nonalcoholic beverages or to increase the alcohol concentration of alcohol beverages.” Powdered alcohol could just as easily be added to food without the consumer’s knowledge or consent.
5. ***Increased use of alcohol*** - when first approved, the Palcohol website stated alternative uses for the product. For example “*We found adding Palcohol to food is so much fun... Remember, you have to add Palcohol AFTER a dish is cooked as the alcohol will burn off if you cook with it... and that defeats the whole purpose.*”

Summary and recommendation

In summary, this powdered form of alcohol has unique risks that have caused thirty states to ban the sale and use of powdered alcohol. This concern is shared by adults, a [National Poll on Children's Health](#) conducted this June by the University of Michigan's C.S. Mott Children's Hospital found that

- 90 percent of adults are concerned that powdered alcohol will be misused by those younger than 21;
- 85 percent worry that powdered alcohol will increase alcohol use among people younger than 21; and
- 81 percent are concerned that it will be easy for people younger than 21 to buy powdered alcohol
- 60 percent of adults favor a complete ban on powdered alcohol in their states, and another 84 percent support banning online sales of the product, according to the poll

Clearly most states are concerned and in agreement given all the legislation being taken to prevent this product from coming to their state. As Commissioner of Health, I recommend a ban on the manufacture, importation, distribution, or selling of powdered alcohol in Minnesota.

Appendix A

2015 Minnesota Session Laws

<https://www.revisor.mn.gov/laws/?id=9&doctype=Chapter&year=2015&type=0>

Sec. 13. POWDERED ALCOHOL POLICY STUDY.

- (a) No person shall manufacture, import, distribute, or sell powdered alcohol until June 1, 2016.
- (b) The director of the Division of Alcohol and Gambling Enforcement must prepare testimony for the commerce and regulatory reform committee, and any other relevant committee, about whether current laws could be adequately enforced with regard to the manufacture, importation, distribution, and sale of powdered alcohol. The director may make recommendations for legislation addressing any stated concerns. The testimony required under this paragraph is due by December 7, 2015.
- (c) The commissioner of health must prepare testimony for the Health and Human Services Reform Committee, and any other relevant committee, about the public health impact of powdered alcohol. The commissioner must address whether there is a potential for greater abuse of and addiction to powdered alcohol relative to malt liquor, wine, and distilled spirits. The commissioner may make recommendations for legislation addressing any stated concerns. The testimony required under this paragraph is due by December 7, 2015.

References

Alcohol-containing Dextrin Powder - Patent US3956509
<http://www.google.com/patents/US3956509>

Binge Drinking BRFSS Prevalence & Trends Data, Centers for Disease Control and Prevention
<http://www.cdc.gov/brfss/brfssprevalence/>

Many Adults “just Say No” to Powdered Alcohol, C.S. Mott Children's Hospital University of Michigan, 17 June 2015, <http://mottnpch.org/blog/2015-06-17/many-adults-%E2%80%9Cjust-say-no%E2%80%9D-powdered-alcohol>

Minnesota Statutes 2015, Chapter 9 section 13
<https://www.revisor.mn.gov/laws/?id=9&doctype=Chapter&year=2015&type=0>

New Jersey Bill to Prohibit Sale of Powdered Alcohol Now Law. Moriarty, Coughlin, Mainor, Pinkin & Danielsen Bill to Prohibit Sale of Powdered Alcohol Now Law. Nov. 2015
<http://www.assemblydems.com/Article.asp?ArticleID=10145>

Palcohol. Lipsmark LLC
<http://www.palcohol.com/home.html>

Powdered Alcohol 2015 Legislation, National Conference of State Legislatures, 10 Nov. 2015.
<http://www.ncsl.org/research/financial-services-and-commerce/powdered-alcohol-2015-legislation.aspx>

Powdered Alcohol: An Encapsulation, National Alcohol Beverage Control Association (NABCA), Nov. 2015
<http://www.nabca.org/assets/Docs/Research/PowderedAlcoholPaper.pdf>

Powdered Alcohol Products: New Challenge in an Era of Needed Regulation, Naimi TS, Mosher JF, JAMA. 2015; 314(2):119-120. <http://jama.jamanetwork.com/article.aspx?articleid=2336816&resultClick=1>

Sato Foods Industries Co., Ltd.
<http://www.sato-foods.co.jp/en/product/alcohol.html>

SF 1238. Status in the Senate for the 89th Legislature (2015 - 2016), Minnesota State Legislature,
<https://www.revisor.mn.gov/bills/bill.php?f=SF1238&b=senate&y=2015&ssn=0>,

Statement on Powdered Alcohol. D.H. Jernigan, Bloomberg School of Public Health, Johns Hopkins University, 12 Mar. 2015. http://www.cam.org/_docs/newsroom/media-statements/media-statements-2015/media-statement-2015-03-12.pdf

Vital Signs: Alcohol Poisoning Deaths — United States, 2010–2012. Centers for Disease Control and Prevention, 09 Jan. 2015.
http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6353a2.htm?s_cid=mm6353a2_w