

# HOUSE BILL REPORT

## SSB 5292

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### As Reported by House Committee On: Commerce & Gaming

**Title:** An act relating to protecting children and youth from powdered alcohol.

**Brief Description:** Protecting children and youth from powdered alcohol.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Roach, Billig, Hasegawa and Benton).

#### **Brief History:**

##### **Committee Activity:**

Commerce & Gaming: 3/24/15, 3/26/15 [DPA].

#### **Brief Summary of Substitute Bill (As Amended by Committee)**

- Prohibits the possession, use, and sale of powdered alcohol except for certain purposes.

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### HOUSE COMMITTEE ON COMMERCE & GAMING

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake, Kirby, Scott, Van De Wege and Vick.

**Staff:** David Rubenstein (786-7153).

#### **Background:**

Powdered alcohol is a form of alcohol encapsulated in a molecular structure that takes a powder form at room temperature. The structure is water soluble, meaning that it can be reconstituted into a liquid for human consumption like other alcoholic beverages.

Washington laws regulate the manufacture, sale, and possession of liquor. Liquor is defined to include "any liquid, semisolid, solid, or other substance" containing more than 1 percent of

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

alcohol by weight. Spirits are a subset of liquor and include alcoholic drinks like whiskey and vodka.

Federal law requires that alcoholic beverages sold in a package must carry a label stating the brand name, alcohol content, and other information. The label must be preapproved by the federal Alcohol and Tobacco Tax and Trade Bureau (TTB) of the U.S. Department of Treasury. The TTB recently issued a certificate of label approval for a brand of powdered alcohol intended for human consumption.

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**Summary of Amended Bill:**

The possession, use, or sale of powdered alcohol is a misdemeanor punishable by up to 90 days in jail and a fine up to \$1,000. The use of powdered alcohol for bona fide research purposes is excluded from the prohibition if it is used by health care researchers, institutions of higher education, and pharmaceutical or biotech companies.

"Powdered alcohol" is defined to mean any powder or crystalline substance containing alcohol that is produced for direct use or reconstitution.

**Amended Bill Compared to Substitute Bill:**

The amended bill prohibits the possession, use, and sale of powdered alcohol rather than incorporating it into statutes regulating liquor. It also amends the intent section and includes an emergency clause.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) This product should be banned permanently as it has been in several other states, with still more contemplating a ban. Powdered alcohol can be snorted like cocaine, used to spike drinks, or combined with energy drinks such as those banned several years ago. Powdered alcohol poses a great potential for abuse by youth. It is easily concealed from parents and teachers and can be sprinkled on food. The increased risk of alcohol abuse far outweighs any benefits to hikers.

(Opposed) None.

**Persons Testifying:** Ron Main, Association of Washington Spirits & Wine Distributors; James Paribello, Liquor Control Board; and Seth Dawson, Washington Association for Substance Abuse Prevention.

**Persons Signed In To Testify But Not Testifying:** None.