

Powdered Prohibition

The federal government has approved powdered alcohol, but state lawmakers continue to question whether it's safe and too easily misused.

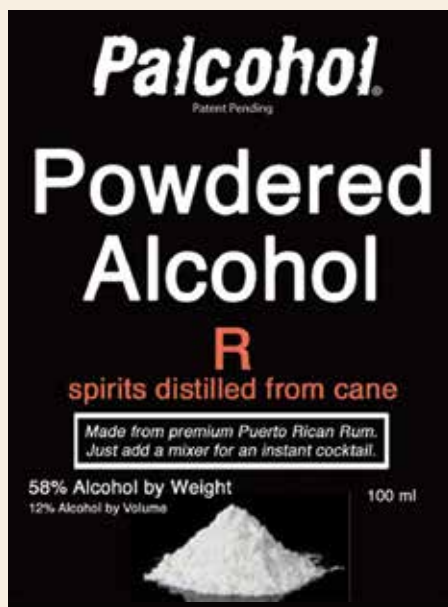
BY HEATHER MORTON

Lawmakers are not exactly bellying up to the bar to get the first taste of powdered rum or freeze-dried vodka. Instead, in Alaska, Indiana, Louisiana, North Dakota, South Carolina, Tennessee, Utah, Vermont and Virginia, they have passed laws prohibiting the sale of powdered alcohol. And in Colorado, Delaware, Michigan and New Mexico, legislators have added powdered alcohol to their statutory definitions of alcohol so that the product can be regulated under existing law. Minnesota has a temporary statutory ban until June 2016, and a proposed ban in Arizona was vetoed by the governor in April.

The U.S. Alcohol and Tobacco Tax and Trade Bureau just this March (after retracting an initial approval in 2014) OK'd Palcohol for sale in the United States, unless otherwise prohibited. When added to 6 ounces of water, one pouch of Palcohol turns into the same amount of alcohol as one shot. Initially, it will come in vodka and rum versions, as well as three cocktail varieties—Cosmopolitan, “Powderita” (think margarita) and Lemon Drop. The makers hope to appeal mostly to backpackers and hikers who want a light-weight, easily portable form of liquor.

State policymakers have raised concerns about the potential misuse of the product, by snorting, inhaling or combining it with other alcoholic beverages. Debate has also centered on how to keep minors from consuming it.

Lipsmark, the Arizona company developing Palcohol, refutes the idea that people will inhale or snort the product because it's painful and time-consuming to do so. “It takes



approximately 60 minutes to snort the equivalent of one shot of vodka,” according to the company website. “Why would anyone do that when they can do a shot of liquid vodka in two seconds?”

Two states were ahead of the pack on addressing concerns about this new product. During the 1985-86 session, Delaware lawmakers added “powders” to the definition of a concentrated alcoholic beverage, so that powders and crystals could be regulated under the existing alcohol statutes. Ten years later, the Alaska Legislature added restrictions on the kinds of alcoholic beverages a person may not sell, including one that “is intended for human consumption and is in powdered form.”

Action revved up in the states in 2014, after Lipsmark first sought its approval. Lawmakers in Louisiana, South Carolina and Vermont passed legislation prohibiting the sale of powdered alcohol, while Michigan legislators added powder containing 0.5 percent or more of alcohol by volume to the

By the Numbers

9

States that have banned powdered alcohol (Alaska, Indiana, Louisiana, North Dakota, South Carolina, Tennessee, Utah, Vermont and Virginia)

4

States that have included powdered alcohol in their statutory definition of alcohol (Colorado, Delaware, Michigan and New Mexico)

1

State with a temporary ban on powdered alcohol (Minnesota)

definition of “alcoholic liquor.”

More than 70 bills in 37 states, the District of Columbia and Puerto Rico have been introduced so far this year. Three bills have been approved and one has been vetoed as of May 1. The Colorado General Assembly defined powdered alcohol; Utah lawmakers made it illegal for anyone, including retailers, to use, buy, sell or possess powdered alcohol (or offer to do any of those for others); and Virginia legislators created a Class 1 misdemeanor for anyone who offers to or does buy, sell, possess or use a powdered or crystalline alcohol product and prohibited containers sold in or shipped into the state from including it.

Lipsmark argues that powdered alcohol should be regulated, not banned, to prevent the creation of a black market, and the company supports requirements that it be sold in licensed liquor stores to keep it away from kids. It hopes to have Palcohol available on shelves, in states that allow it, by the summer.

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