



Powdered or Crystalline Alcohol – 2016 Legislative Session Bill Status Update

Research current through April 14, 2016.

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<u>State/ Bill No.</u>	<u>Description</u>	<u>Specific Exceptions</u>	<u>Status and Date of Last Action</u>
United States 2015 S 728	<p>The “Sober Truth on Preventing Underage Drinking Reauthorization Act.” Among other things, the bill proposes to amend the Federal Alcohol Administration Act (27 U.S.C. § 201 et seq.) by adding Section 118 to make it unlawful “to make, sell, distribute or possess powdered alcohol.”</p> <p>Under new § 118, the Secretary of Health and Human Services (the “Secretary”), acting through the Commissioner of Food and Drugs, and in consultation with the Secretary of the Treasury, “shall by rule designate any chemical that may be used to convert alcohol in liquid form to alcohol in powdered form.”</p> <p>The term “powdered alcohol” is defined as “any alcohol combined with a chemical designated” by the Secretary.</p> <p>The penalty for violating the section is a fine of not more than \$5,000, up to one year in prison, or both.</p>	None.	3/12/2015 – introduced in Senate; read twice and referred to the Committee on Health, Education, Labor, and Pensions.

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California 2015 AB 1554	<p>This bill prohibits the California Department of Alcoholic Beverage Control (“Department”) from issuing a license to manufacture, distribute, or sell powdered alcohol, as defined, and would require the Department to revoke the license of any licensee who manufactures, distributes, or sells powdered alcohol.</p> <p>The bill also prohibits the purchase, sale, offer for sale, distribution, manufacture, possession, or use of powdered alcohol and would make the violation of these provisions punishable as an infraction. A person who sells, offers for sale, manufactures, or distributes powdered alcohol would face a fine of up to \$500. A person who purchases, possesses, or uses powdered alcohol would face a fine of \$125.</p>	None.	4/1/2016 – from committee: do pass and re-refer to Committee on Appropriations.
California 2015 SB 819	Similar to 2015 AB 1554.	None.	4/12/2016 – read second time and ordered to third reading.

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District of Columbia 2015 LB 151	Provides that a “licensee under either an on-premises and off-premises retailer's license [sic] shall not offer for sell powdered alcohol to customers.” Defines “powdered alcohol” as “alcoholic beverages sold in a powder or crystalline form for direct consumption or use in combination with water or any substance.”	None.	4/14/2015 – referred to Committee on Business, Consumer and Regulatory Affairs.
District of Columbia 2015 LB 253	“Alcoholic Beverage Enforcement Amendment Act of 2015.” Contains a provision that a “holder of a manufacturer's license, wholesaler’s license, or retailer’s license shall not sell or offer for sale powdered alcohol.” “Powdered alcohol” is defined as “an alcoholic beverage product that is manufactured into a powdered or crystalline form.”	None.	10/26/2015 – public hearing held.
Florida 2016 HB 1107	Similar to 2015 SB 392.	Similar to 2015 SB 392.	3/11/2016 – died in subcommittee.

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<p>Florida</p> <p>2016 SB 392</p>	<p>Enacts F.S.A. § 562.63 providing that a person “may not sell, offer for sale, purchase, use, offer for use, or possess powdered alcohol.” The phrase “powdered alcohol” is defined as “alcohol prepared in a powdered form for either direct use or consumption after the powder is combined with a liquid.”</p> <p>A violation by purchasing, using, offering for use, or possessing powdered alcohol is a noncriminal violation, punishable by a fine of \$250. A person who violates this section by selling or offering for sale powdered alcohol commits a misdemeanor of the first degree.</p> <p>Proposed effective date of July 1, 2016.</p>	<p>The section does not apply to the use of powdered alcohol for research purposes by a: (1) health care provider; (2) state institution; (3) state university or private college or university; or (4) pharmaceutical or biotechnology company. Also, the section does not apply to the possession of powdered alcohol for the purpose of transportation through Florida by a licensed manufacturer or a common carrier on behalf of a licensed manufacturer.</p>	<p>3/11/2016 – died in committee.</p>
<p>Idaho</p> <p>2016 HB 331</p>	<p>Amends the law prohibiting alcohol without liquid devices (I.C. § 23-616) to provide that a person may not “use or offer for use, possess, purchase, sell or offer for sale . . . powdered alcohol.” A violation is a misdemeanor and a second or subsequent violation is subject to a fine of \$300-\$1,000 or by imprisonment in the county jail for up to one year, or by both such fine and imprisonment.</p>	<p>State police may promulgate rules to allow for the possession, sale or use of powdered alcohol by certain hospitals, universities, or pharmaceutical or biotechnology companies for bona fide research or medical purposes.</p>	<p>3/30/2016 – enacted (2016 Laws Chapter 277); effective 7/1/2016.</p>

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Iowa 2015 Senate File 123 (formerly Senate Study Bill 1031)	Prohibits a person or club holding a liquor control license or retail wine or beer permit from selling, giving, possessing, or supplying for human consumption “powdered or crystalline alcoholic liquor.” A violation is a simple misdemeanor and grounds for the revocation or suspension of the license or permit.	None.	4/3/2015 – referred to Committee on Commerce.
Kentucky 2016 HB 43	Similar to 2016 SB 11.	None.	1/5/2016 – introduced and referred to Committee on Licensing and Operations.
Kentucky 2016 SB 11	With respect to powdered alcohol, creates a new section of KRS Chapter 244 providing that “no person shall possess, sell, offer for sale, or use any powdered or crystalline alcoholic beverage product.” The bill does not contain a penalty provision. Amends the definition of “alcoholic beverage” in KRS Chapters 242 and 243 to include “powder or crystal.”	None.	4/9/2016 – enacted (2016 Laws Chapter 80); effective 7/14/2016.

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Maryland 2016 HB 749	Similar to 2016 SB 587.	None.	3/30/2016 – second reading in Senate passed with amendments.
Maryland 2016 SB 587	Provides that a person “may not sell or offer for sale alcoholic beverages that are sold in powder or crystalline form for direct use or use in combination with water or any other substance.” A violation is a misdemeanor subject to a fine of up to \$1,000. The bill proposes that the law be in effect from July 1, 2016 to June 30, 2018, absent additional legislative action.	None.	4/7/2016 – enrolled.
Massachusetts 2015 HB 4056	This bill is the conference committee report of the House (HB3947) and Senate (SB2103) to the bill, originally sponsored by the Governor (HB3817) dealing with the opioids epidemic. Among many other provisions, it adds that “no person shall sell, offer for sale, manufacture or possess powdered alcohol. Whoever violates this section shall be punished by a fine of not less than \$100 or more than \$1,000.”	None.	3/14/2016 – enacted (2016 Laws Chapter 52); effective 6/14/2016.

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Massachusetts 2015 SB 2103	Among many other provisions, adds that “no person shall sell, offer for sale, manufacture or possess powdered alcohol. Whoever violates this section shall be punished by a fine of not less than \$100 nor more than \$1,000.”	None.	1/19/2016 – introduced as new text to former HB3947.
Minnesota 2015 HF 2425	Amends definition of “alcoholic beverage” to be “any liquid or solid intended for human consumption containing more than one-half of one percent alcohol by volume.”	None.	3/8/2016 – introduced and referred to Committee on Commerce and Regulatory Reform.
Minnesota 2015 SF 2235	Similar to 2015 HF 2425.		3/8/2016 – introduced and referred to Committee on Commerce.
Mississippi 2016 HB 518	Amends state law to provide that “powdered alcohol is prohibited in the State of Mississippi and may not lawfully be manufactured, mixed, processed, sold, possessed, imported into the state, exported from the state, transported, distributed, warehoused or stored in this state.” Excludes powdered alcohol from the definition of alcoholic beverage.	None.	2/23/2016 – died in committee.

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Missouri 2016 HB 1629	<p>Adds Section 311.057 to the Missouri Code that provides that “no person, firm, partnership, or corporation licensed under this chapter; public venue; or any person acting as an employee or agent thereof shall sell, offer to sell, or serve free of charge any form of powdered alcohol.”</p> <p>Adds Section 577.180 that provides that a “person commits the offense of illegal possession of powdered alcohol if he or she purchases, possesses, offers for sale or use, uses, or sells powdered alcohol or ships any package or container that contains powdered alcohol into this state.” A violation is a Class C misdemeanor.</p>	The ban does not apply to following entities conducting scientific research: (1) any hospital; (2) any state institution; (3) any college or university; or (4) any pharmaceutical company or biotechnology company conducting research.	4/6/2016 – voted do pass with amendments.
Missouri 2016 HB 1786	Similar to 2016 HB 1629, but does not contain exceptions.	None.	4/6/2016 – second reading in Senate.
Missouri 2016 SB 797	Similar to 2016 HB 1629, but does not contain exceptions.	None.	3/30/2016 – hearing in Committee on Transportation, Infrastructure & Public Safety.

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New Hampshire 2015 SB 501	Provides that “no person shall manufacture, possess, have under his or her control, transport, sell, purchase, offer for sale, give away, or cause to be sold, delivered, or given away for human consumption powdered or crystalline alcohol.”	Provision does not apply to: (1) any substance regulated by the Food and Drug Administration in the United States Department of Health and Human Services that is not: beverage, beer, wine, or liquor; or a compound that could be converted into beverage, beer, wine, or liquor; (2) a prescription drug, or (3) a nonprescription or proprietary medicine.	3/30/2016 – subcommittee work session scheduled for 4/7/2016.
Pennsylvania 2015 HB 847	Similar to 2015 SB 588 although it uses the term “powdered or crystalline alcohol.” “Powdered or crystalline alcohol” is defined as “a powdered or crystalline product prepared or sold for either direct use or reconstitution for human consumption that contains any amount of alcohol when hydrolyzed.”	None.	3/26/2015 – referred to Liquor Control Committee.
Pennsylvania 2015 HB 1196	Bill amended to contain provisions similar to 2015 SB 588, although it uses the phrase “powdered or crystalline alcohol.”	Similar to 2015 SB 588.	6/29/2015 – referred to Senate Law and Justice Committee.

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Pennsylvania 2015 HB 1690	Bill contains many changes to Pennsylvania Liquor Code. Among other things, the legislation makes it unlawful for a person to “possess, purchase, sell, offer to sell or use” powdered alcohol. The bill also amends the definitions of “alcohol” and “liquor” to include powdered alcohol.	The ban does not apply to the following entities conducting scientific research: (1) a hospital; (2) a state institution; (3) a private college or university; or (4) a pharmaceutical company.	12/10/2015 – passed by Senate, as amended.
Pennsylvania 2015 SB 588	Amends definitions of “alcohol” and “liquor” to include “powdered alcohol.” Clarifies that “denatured alcohol” does not include powdered alcohol. Provides that it is unlawful for any person “to possess, purchase, sell, offer to sell or use powdered alcohol.” Defines “powdered alcohol” to mean “alcohol sold in a powder form for either direct use or reconstitution.”	Ban does not apply “to a hospital that operates primarily for the purpose of conducting scientific research, a State institution conducting bona fide research, a private college or university conducting bona fide research or a pharmaceutical company conducting bona fide research.”	3/2/2015 – referred to Law and Justice Committee.
Pennsylvania 2015 SB 773	Defines “powdered alcohol” to mean “alcohol sold in powdered or molecularly encapsulated form for either direct use or reconstitution.”	None.	9/29/2015 – referred to House Committee on Judiciary.

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Rhode Island 2015 HB 7026	The bill makes it unlawful for “a person, firm, or corporation to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess” powdered alcohol, with a violation a crime punishable by a fine not to exceed \$1,000.	The use of powdered alcohol for a bona fide research purpose by: (1) a health care provider that operates primarily for the purpose of conducting scientific research; (2) a state institution; (3) a private college or university; or (4) a pharmaceutical or biotechnology company.	4/13/2016 – enrolled bill transmitted to Governor.
Rhode Island 2015 SB 2059	Similar to 2015 HB 7026.	Same as 2015 HB 7026.	4/13/2016 – enrolled bill transmitted to Governor.
West Virginia 2016 HB 4314	Provides that the West Virginia Alcohol Beverage Control Commissioner may not list for sale or stock powdered alcohol. Places a prohibition in § 60-6-7 of the West Virginia Code that it is illegal to “[m]anufacture or sell, aid or abet in the manufacture or sale, possess, use or in any other manner provide or furnish powdered alcohol.” Also, adds a provision to § 60-6-8 that no licensee may “[s]ell, possess, possess for sale, furnish or provide any powdered alcohol.”	None.	3/24/2016 – enacted (2016 Laws H.B. 4314); effective 6/10/2016.

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West Virginia 2016 HB 4720	Proposes to add §60-3-26 to the West Virginia Code that “no person may sell or use powdered alcohol as an alcoholic liquor or nonintoxicating beer or use powdered alcohol to create an alcoholic liquor or nonintoxicating beer.”	The use of powdered alcohol for bona fide research purposes by: (1) health care providers that operate primarily for the purpose of conducting scientific research; (2) state institutions; (3) private colleges or universities; and (4) pharmaceutical and biotechnology companies.	2/23/2016 – introduced and referred to Committee on Health & Human Services.
West Virginia 2016 SB 497	Provides that the West Virginia Alcohol Beverage Control Commissioner may not list for sale or stock powdered alcohol. Provides that a person may not “manufacture or sell, aid or abet in the manufacture or sale, possess, use or in any other manner provide or furnish powdered alcohol.” Provides that a licensee may not “sell, possess, possess for sale, furnish or provide any powdered alcohol.”	None.	2/3/2016 – introduced and referred to Committee on Judiciary.

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Wisconsin 2015 AB 72	Provides that “no person may sell or offer for sale powdered alcohol.” The phrase “powdered alcohol” is defined as “any substance that is sold in powder or crystalline form, that contains more than 0.4 percent alcohol by weight, and that is fit for human consumption either in its powder or crystalline form or after it is added to food or reconstituted with water or another liquid.” A person who violates the prohibition must be fined not more than \$1,000 or imprisoned for not more than 90 days or both.	The section does not apply to powdered alcohol used for purposes described in 27 C.F.R. §§ 1.60-1.62 (used by hospitals or for scientific research or other medicinal, pharmaceutical, industrial, or non-beverage purposes).	3/5/2015 – read for first time, and referred to Committee on State Affairs and Government Operations.
Wisconsin 2015 SB 10	Provides that “no person may sell or offer for sale powdered alcohol.” “Powdered alcohol” is defined as “any substance that is sold in powder or crystalline form, that contains more than 0.4 percent alcohol by weight, and that is fit for human consumption either in its powder or crystalline form or after it is added to food or reconstituted with water or another liquid.” A violation can result in a fine of not more than \$1,000 or up to 90 days in prison or both.	The section does not apply to powdered alcohol sold or offered for any use described in 27 CFR 1.60 to 27 CFR 1.62 [industrial use of distilled spirits and wine].	9/16/2015 – co-author added.

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