

**Testimony before the Texas House Committee on Licensing and Administrative Procedures**  
The Honorable Wayne Smith, Chair  
Interim Study on Powdered Alcohol: Charge #3

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August 23, 2016

Good morning, Chairman Smith and fellow members of the Committee. I would like to thank you for the opportunity to speak to you today about powdered alcohol and its impact on underage drinking.

My name is Atalie Nitibhon and I am the Director of Research and Advocacy for Texans Standing Tall. We are a statewide nonprofit working to make alcohol, tobacco, and other drugs irrelevant in the lives of youth. We work with Coalitions across Texas to educate communities, provide resources, and advocate for proven strategies aimed at preventing youth substance use and abuse.

Texans Standing Tall, along with many other prevention experts and health care professionals, has several concerns regarding powdered alcohol, especially with respect to the possible harms it poses to the youth in our state. In addition to the typical dangers associated with alcohol misuse and abuse, powdered alcohol appears to have *unique* risks for abuse. Specifically, the product is concerning because:

1. **The powder can be used in different ways other than how it was designed.** This could include:
  - a. *Adding it to foods* – with or without the consumer’s consent.
  - b. *Combining it with other alcohol infused products* (e.g., jello shots).
  - c. *Snorting the powder.* It is worth noting that a draft version of the website for Palcohol, a powdered alcohol product, stated, “Yes, you can snort it. And you’ll get drunk almost instantly because the alcohol will be absorbed so quickly in your nose.” While it wasn’t a recommended use and they have since deleted that remark, Representative Charles Mainor of the New Jersey legislature, which banned powdered alcohol in 2015, captures our worry quite well:

*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.*

2. **There is great potential for overconsumption.** A consumer could combine one or more packet of powdered alcohol with an alcoholic beverage, thereby increasing the alcohol content in a standard mixed drink serving. Already, excessive alcohol use is a concern among youth in Texas, where 14% of middle and high school students report binge drinking in the past month. The ability to quickly consume multiple packets of powdered alcohol at one time would further exacerbate this problem.

3. **Powdered alcohol is easily concealed, making it easier for youth to access, carry, and consume it.** With packets small enough to fit in a child’s pocket, kids would have little trouble sneaking the product into classrooms, football games, or other social settings with friends.
4. **Powdered alcohol has great youth appeal.** As mentioned previously, the product would be available in small sealed pouches, similar in size and shape to a packet of Kool-Aid, Emergen-C, or Crystal Light. In addition to being easy to conceal, the packaging and flavors – such as cosmopolitan, powderita (margarita), and lemon drop – would be highly attractive to youth.

These very serious public health concerns have led more than half the country to prohibit the sale or use of powdered alcohol in their states. When Texans Standing Tall first provided testimony on this issue in March of 2015, five states had already banned the product. According to Alcohol Justice (formerly the Marin Institute), in the year and a half since then, an additional 28 states have enacted permanent or temporary bans on the product, bringing the current total to 33 states where powdered alcohol is illegal. Texas is one of three states where the product is allowed.

We have heard the argument that the states that banned the product acted without knowing anything about powdered alcohol. It is true that the product is not yet commercially available, so there are still many unknowns regarding what it actually looks like and how it really works.

However, we do know that a key component of preventing youth alcohol use lies in reducing youth access to alcohol. By making a product like powdered alcohol available, we are creating a situation where youth will have greater access to a substance that can easily be misused, concealed, or overconsumed. As Dr. David Jernigan, Director of the Center on Alcohol Marketing and Youth at the Johns Hopkins Bloomberg School of Public Health, reminds us, “Our efforts should be focused on making alcohol products less, not more, available to our nation’s youth.”

Texans Standing Tall also looks to the many questions we’ve encountered from concerned citizens – some even posed by medical professionals – that are difficult to answer:

- Does it taste and smell like alcohol?
- If it *doesn't* smell like alcohol, won't that make it harder to detect and easier to conceal?
- How much is too much, and what does it take to cause an overdose or alcohol poisoning?
- How do you begin to regulate the ways it is used and consumed?
- How is it even made? (Which is a question the Palcohol website responds to with “If we told you, we’d have to shoot you.”)

Each of these questions further illustrates the uncertainty regarding the safety of powdered alcohol. Without scientific data telling us that a product is “safe and manageable,” we look to the precautionary principle to help us protect public health, the environment, and the future of our children. This is the principle that tells us to “look before we leap”; to “first do no harm”; and that it’s “better to be safe than sorry.” It tells us that it may not be necessary to wait for scientific certainty to take protective action when our health and safety are at stake.

As it is, we know that alcohol is the most used substance by youth in Texas. The most recent Texas School Survey tells us that 21% of middle and high school students report drinking alcohol in the past month, and 51% say they have used alcohol at some point in their lifetime. We also know that youth use of alcohol is linked to several serious consequences, such as traffic crashes and fatalities, DUI arrests, poor academic performance, increased dropout rates, unintended pregnancies, and violent crime. In our state alone, alcohol is a factor in nearly 300 teen deaths every year. Given that there are already a number of existing issues that make it challenging enough to protect the lives of our youth, we have to ask: why add another set of completely preventable issues to the list with powdered alcohol?

For that reason, among many others I have mentioned today, Texans Standing Tall believes we must be proactive rather than reactive; we must act now to prevent harm to our youth rather than waiting to respond once tragedies have already occurred. As such, we support efforts that prohibit the manufacture, distribution, sale, and use of powdered alcohol in Texas.

Texans Standing Tall is grateful for the time and consideration you have given to exploring the impact of powdered alcohol on underage drinking and the serious harm it could cause our young citizens. Should you have any further questions regarding substance abuse prevention issues in Texas, we offer our services and resources to you and your staff members at any time.

Thank you.

## Resources

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