



Washington State Liquor Control Board

Alcoholic Energy Drinks WSLCB Emergency Rule Making

November 10, 2010

The Washington State Liquor Control Board (WSLCB) today filed an emergency rule to prohibit the sale and distribution of alcoholic energy drinks in the state of Washington. The emergency rules will be in effect for 120 days, during which time the WSLCB will seek to make the rules permanent.

Malt-Based Alcoholic Energy Drinks Banned After Nov. 17, 2010

Products that combine beer, strong beer, or malt liquor with caffeine, guarana, taurine, or other similar substances may not be imported into the state, produced, manufactured, distributed, sold or offered for sale by a licensed retailer in Washington after November 17. Such products are commonly known as alcoholic energy drinks.

Most alcoholic energy drinks are classified as malt beverages, with alcohol by volume as high as 12 percent, compared to 3.5 to 6 percent for mainstream beers.

A Dangerous Mix

Medical and scientific research suggests that combining alcohol and stimulants such as caffeine, guarana and taurine may increase the rate of alcohol-related injury and risky behavior.

- A leading study by the Wake Forest University School of Medicine found students who consumed alcohol with energy drinks were “twice as likely to be injured, twice as likely to require medical attention and twice as likely to ride with an intoxicated driver.”
- The Wake Forest University study also found that people who mix alcohol and energy drinks feel less drunk, but they are still intoxicated.
- Researchers at the University of Florida surveyed about 800 randomly selected, college-age bar patrons and found those who consumed alcohol and caffeine were more intoxicated than those who only had alcohol and were four times more likely to say they wanted to drive home.
- The Food and Drug Administration (FDA) is currently researching the safety and legality of alcoholic energy drinks.

Appeal to Youth

- Alcoholic energy drinks are marketed with bright packaging, fruit flavors and high levels of sugar. They can easily be confused with their energy drink and soft drink counterparts.
- Companies appear to target marketing to youth and use social networking sites, interactive fan websites, and product giveaways at events.

National Concerns

Recent public safety incidents in Washington and around the nation have been linked to alcoholic energy drinks. Washington is joined by other states in its concern that these products negatively impact the health, welfare and safety of the public.

In Washington:

- Central Washington University has banned alcoholic energy drinks from campus.
- In 2009, the WSLCB issued a policy banning in state liquor stores any marketing or promotional material that encourages customers to mix alcohol and energy drinks. Products that contain caffeine, guarana, or any other stimulant, and imply stimulating or energizing effects in its packaging or marketing, are not sold in Washington liquor stores.
- The WSLCB in 2010 requested legislation to prohibit the sale of alcoholic energy drinks. House Bill 2804 did not pass.

Around America:

- Michigan, Utah and Oklahoma have banned alcoholic energy drinks.
- Montana has restricted the sale to state liquor stores.
- Pennsylvania has asked licensees to voluntarily stop selling and marketing the products.
- University of Rhode Island and New Jersey's Ramapo University have banned the products from campus.

Projected Rule Making Timeline

The emergency rules expire March 10, 2011. The WSLCB has initiated regular rule making that will allow for public comment.

- **Nov. 10:** Board approves filing the pre-proposal statement of inquiry (CR 101)
- **Dec. 1:** Code Reviser publishes notice; WSLCB sends notice to rules distribution list
- **Jan. 3:** End of written comment period
- **Jan. 12:** Board is asked to approve filing the proposed rules (CR 102 filing)
- **Feb. 2:** Code Reviser publishes notice; WSLCB sends notice to rules distribution list
- **Feb. 23:** Public hearing held
- **Feb. 23:** End of written comment period
- **March 2:** Board asked to adopt rules
- **April 2:** Rules are effective

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