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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(7)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: November 17, 2015

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact SB 392 or similar legislation that would prohibit the sale of powdered alcohol

Resolution No. R-1046-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 17, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(7)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(7)
11-17-15

RESOLUTION NO. R-1046-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 392 OR SIMILAR LEGISLATION THAT WOULD PROHIBIT THE SALE OF POWDERED ALCOHOL

WHEREAS, powdered alcohol, known by the brand name Palcohol, is freeze-dried alcohol in powder form, packaged in small packets; and

WHEREAS, the recommended use for Palcohol is to add the powdered substance to water; and

WHEREAS, some physicians and experts warn about the risks of misuse and abuse of Palcohol due to consumers' lack of familiarity with the product's potency; and

WHEREAS, difficulties may also arise with regulating Palcohol, considering that the colorful packaging would likely appeal to kids and that the product can be snorted, easily smuggled into venues and put into drinks of unwilling consumers; and

WHEREAS, in March 2015, the United States Alcohol and Tobacco Tax and Trade Bureau approved labels for Palcohol, allowing the product to be sold legally in the United States, unless otherwise prohibited; and

WHEREAS, to date, 25 states have banned powdered alcohol; and

WHEREAS, Florida has yet to ban powdered alcohol; and

WHEREAS, Senate Bill (SB) 392 has been filed for consideration during the 2016 session of the Florida Legislature by Senator Gwen Margolis (D – Miami); and

WHEREAS, SB 392 would:

(1) prohibit the sale, offer for sale, purchase, use, offer for use, or possession of powdered alcohol;

(2) impose penalties; and

(3) provide an exemption for the use of powdered alcohol by specified entities for research purposes; and

WHEREAS, considering the myriad of potential dangers associated with powdered alcohol, this Board would like to urge the Florida Legislature to enact SB 392 or similar legislation that would prohibit the sale of powdered alcohol,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact SB 392 or similar legislation that would prohibit the sale of powdered alcohol.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Gwen Margolis, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo, Jr., Vice Chairman	**absent**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of November, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. APP

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