



NEW YORK STATE SENATOR

Shirley L. Huntley

4/12/2011: Public Hearing on Alcoholism and Drug Abuse

Shirley L. Huntley

April 11, 2011

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Pictured are Senator Shirley L. Huntley, Ranking Minority Member, Senate Committee on Alcoholism and Drug Abuse and Arlene Gonzalez-Sanchez, Commissioner, Office of Alcoholism and Substance Abuse Services (OASAS)

NEW YORK STATE SENATE

Notice of Public Hearing

Committee on Alcoholism and Substance Abuse
Senator Jeffrey D. Klein, Chair

Senator Shirley L. Huntley, Ranker
Senator Neil D. Breslin
Senator John J. Bonacic
Senator Roy J. McDonald
Senator Kemp Hannon

SUBJECT: To explore high-alcohol flavored malt beverages, the proliferation and marketing of these drinks in the marketplace and availability of and/or access to these drinks by minors.

Testimony by invitation only
(A schedule of presenters is attached)

April 12, 2011

11:30 a.m. – 2:00 p.m.

Van Buren Hearing Room A

Legislative Office Building, 2nd Floor

Albany, New York

High-alcohol flavored malt beverages are sweetened and flavored malt-based drinks with high alcohol content. They are generally sold for \$2 to \$3 for a 22 ounce can, have similar packaging to non-alcoholic energy drinks, and are aggressively marketed to minors. Four Loko's version of the drink, for example, has 12 percent alcohol content, while a normal beer generally has 4 to 5 percent alcohol content. High-alcohol flavored malt beverages are sometimes referred to as "binge-in-a-can." Evidence of the problem:

An NYPD Bronx Borough Command investigation into three principle precincts of the 34th Senate District including the 45th (serving Throggs Neck, Pelham Bay, Co-Op City, Country Club, Westchester Square and City Island), the 47th Precinct (serving Wakefield and Woodlawn, Baychester, Edelwald and Fishkill) and the 49th Precinct (serving Morris Park, Van Nest, Allerton, Olinville and Pelham Gardens. An undercover volunteer – under the age of 18 years old – went into 23 businesses (a combination of bodegas and convenience stores) attempting to buy Four Loko and other alcoholic beverages. Seventeen of those businesses sold alcohol to the minor without asking for identification.

Further, a March survey of hospitals and law enforcement agencies across New York State regarding incidents involving high alcohol beverages revealed:

1. In a one week period, four minors were rushed to Elmhurst Hospital Emergency Room in Queens with alcohol poisoning after consuming Four Loko and Joose.
2. On March 17, 2011 (St. Patrick's Day), police were called to an underage party in Eastchester involving the consumption of Four Loko.
3. A gas station in Pelham is still selling Four Loko in its caffeinated form in spite of a warning from the federal Food and Drug Administration that caffeine used in this way was an "unsafe food additive."
4. In a survey of colleges, many campus security officers knew of the beverage, were concerned about the high level of alcohol and had policies in place to deal with not only these products but underage drinking as well.
5. Since January 2011, Canisius College reported 10 cases involving underage

consumption of Four Loko, both on and off campus.

6. The University of Buffalo reported 821 alcohol violations in 2009, many of which included Four Loko, in residence halls. Since January 2011 there were 16 overdoses due to alcohol.

7. The Downstate Poison Control Center received seven calls reporting seven separate cases of people being hospitalized after consuming Four Loko. Five of these cases involved underage drinkers.

The New York State Senate Standing Committee on Alcoholism and Drug Abuse is seeking input from the public invitees including, but not limited to, the following:

- Dangers that high-alcohol flavored malt beverages pose to minors;
- Trends in underage drinking;
- Existence of direct marketing of alcoholic beverages to minors;
- Efforts manufacturers and law enforcement take to avoid/reduce underage consumption of alcohol;
- The accessibility of high-alcohol flavored malt beverages to minors;
- Why these drinks may be more attractive to minors and/or easier for minors to access; and
- Legislative ideas to address high-alcohol flavored malt beverage consumption by minors.

Witnesses are asked to keep oral testimony to no more than ten minutes in length. Please provide written testimony in advance to Gillian A. Hirsch at hirsch@nysenate.gov.

In order to meet the needs of those who may have a disability, the New York State Senate has made its facilities and services available to all individuals with disabilities. Accommodations will be provided for individuals with disabilities, upon reasonable request, to afford such individuals access and admission to Senate facilities and activities.

Questions about this hearing may be directed to Gillian Hirsch at 518-455-3590 or hirsch@nysenate.gov, or Andrew Wilson at 518-455-3587 or awilson@nysenate.gov.

Schedule of Testimony (followed by questions)

11:30 a.m. Opening Remarks, Committee Chair Senator Jeffrey D. Klein

Remarks by other Committee members

11:45 a.m. Chairman Dennis Rosen, NYS Liquor Authority

12:10 p.m. Commissioner Arlene Gonzalez-Sanchez, NYS OASAS

12:35 p.m. Michael Rosen, Food Industry Alliance

1:00 p.m. Janet Lerner, DSW, Narco Freedom, Inc.

1:25 p.m. Bob Pezzolesi, New York Center for Alcohol Policy Solutions

1:50 p.m. Michele Fonda, Mothers Against Drunk Driving

1:15 p.m. Ramiee Eck, Deputy Director of John's Hopkins Bloomberg School of Health Center on Alcohol Marketing and Youth

1:35 p.m. Flavored Malt Beverage Coalition representative

1:45 p.m. Law Enforcement Representative (DARE officer?)

2:00 p.m. Closing remarks, Committee Chair Senator Jeffrey D. Klein