



ALCOHOL REGULATION

National Debate and State Implications

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Washington State Prevention Summit | November 3, 2020

BE THINKING

What can you do to help?

TRENDS

We'll review trends driving alcohol legislative and regulatory changes

DATA SYSTEMS

We'll review data collection systems that need improvement



POLICY

We'll review policies that are reshaping the alcohol marketplace both before, during and likely after the Covid-19 pandemic

COURTS

We'll review key court cases driving policy changes and how the data systems and the policy changes are interconnected to these cases

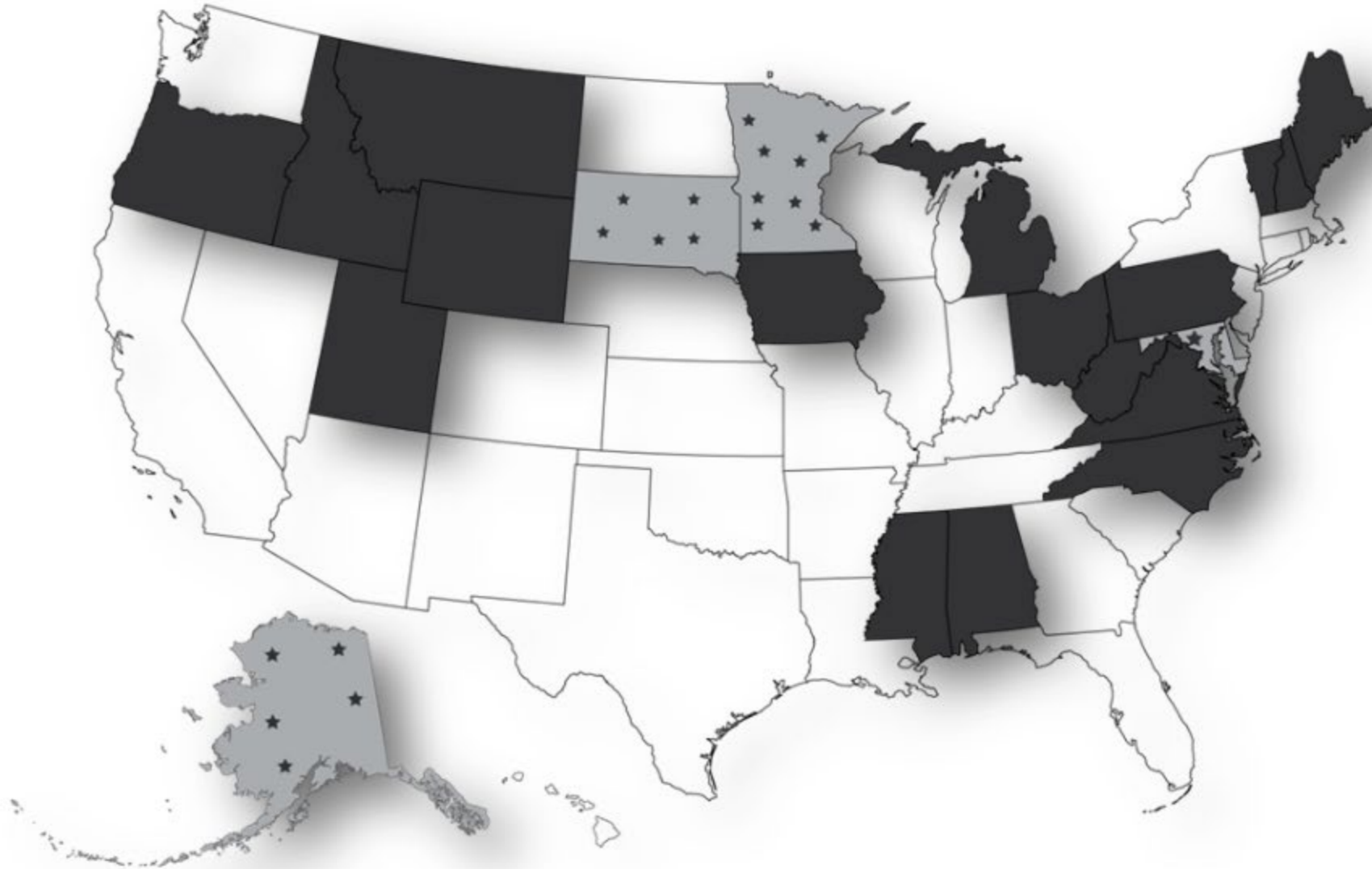
A low-angle photograph of several skyscrapers reaching towards a bright, hazy sky. The buildings are dark, with many windows visible. The perspective is from a low angle, looking up at the buildings.

NABCA

NATIONAL ALCOHOL BEVERAGE
CONTROL ASSOCIATION

- Established in 1938
- Represent "Control Systems" jurisdictions with direct role in sale cycle (wholesale and/or retail)
- Not an advocacy or lobbying organization
- Not a beverage alcohol industry organization

CONTROL SYSTEMS IN THE UNITED STATES



- Alabama
- Iowa
- Idaho
- Maine
- Maryland (Montgomery County)
- Michigan
- Mississippi
- Montana
- New Hampshire
- North Carolina
- Pennsylvania
- Ohio
- Oregon
- Utah
- Vermont
- Virginia
- West Virginia
- Wyoming

All Jurisdictions Achieve Objectives by:

License everyone who sells alcohol

Enforce laws to reduce underage and excessive drinking

Regulate days/hours of sale, location of premises, and density of outlets

Require products to flow through a 3-tier system



PRODUCER/
MANUFACTURERS



DISTRIBUTORS/
WHOLESALERS



RETAILERS

THREE FACTORS

THREE PRIMARY FACTORS DRIVING LEGISLATIVE AND REGULATORY TRENDS



PUBLIC HEALTH CRISIS



E-COMMERCE



FEDERAL COURTS



PUBLIC HEALTH CRISIS

The Covid-19 pandemic has made sweeping and rapid changes to alcohol policies

ON-PREMISE LICENSEES

DISTILLED SPIRITS - CURBSIDE PICKUP

(BARS AND RESTAURANTS)

LEGEND:

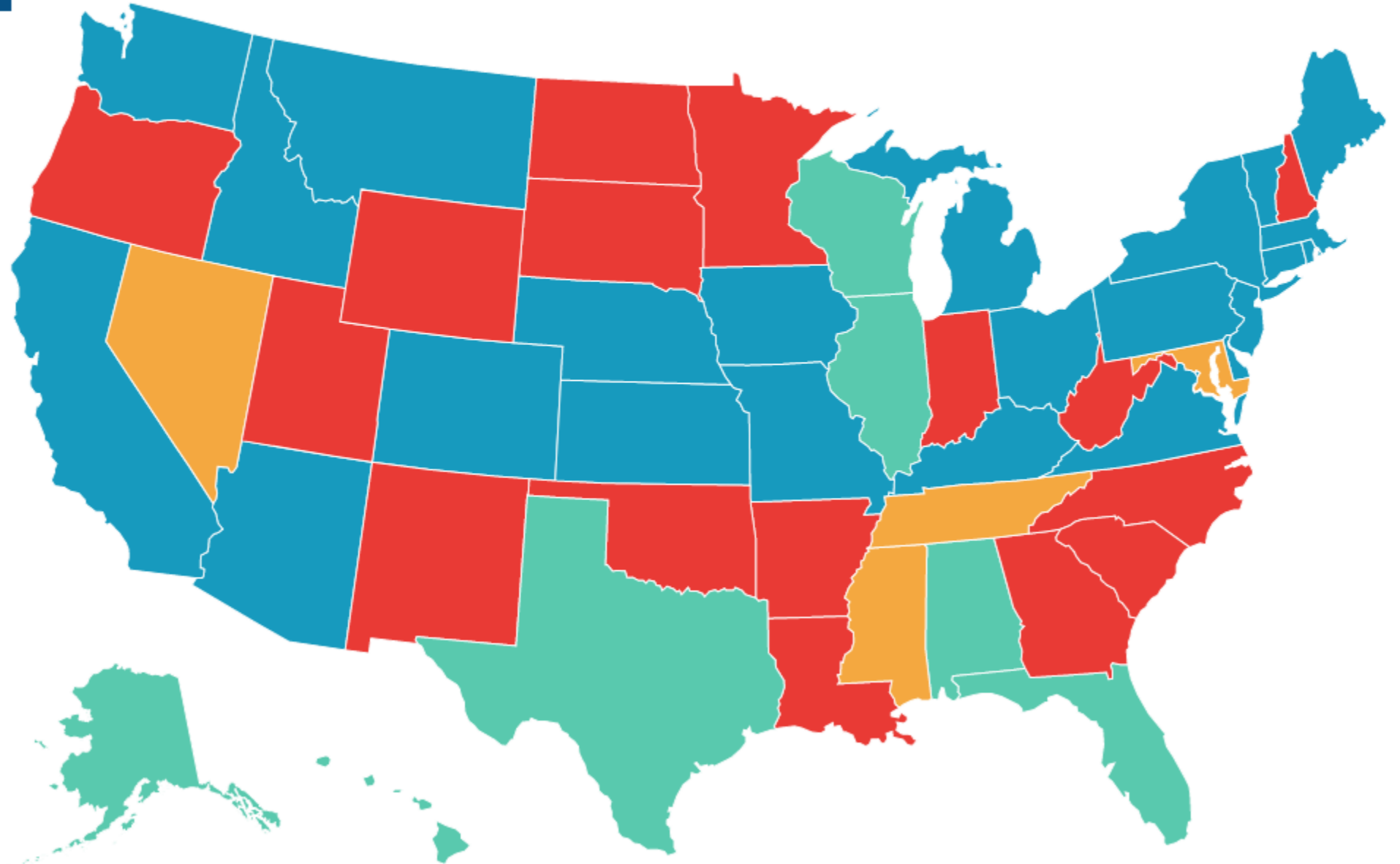
NO

VARIES BY LOCALITY

MANUFACTURER-SEALED ONLY

YES - INCLUDING DRINKS MIXED

ON-PREMISE AND RESEALED



ON-PREMISE LICENSEES

DISTILLED SPIRITS - HOME DELIVERY

(BARS AND RESTAURANTS)

LEGEND:

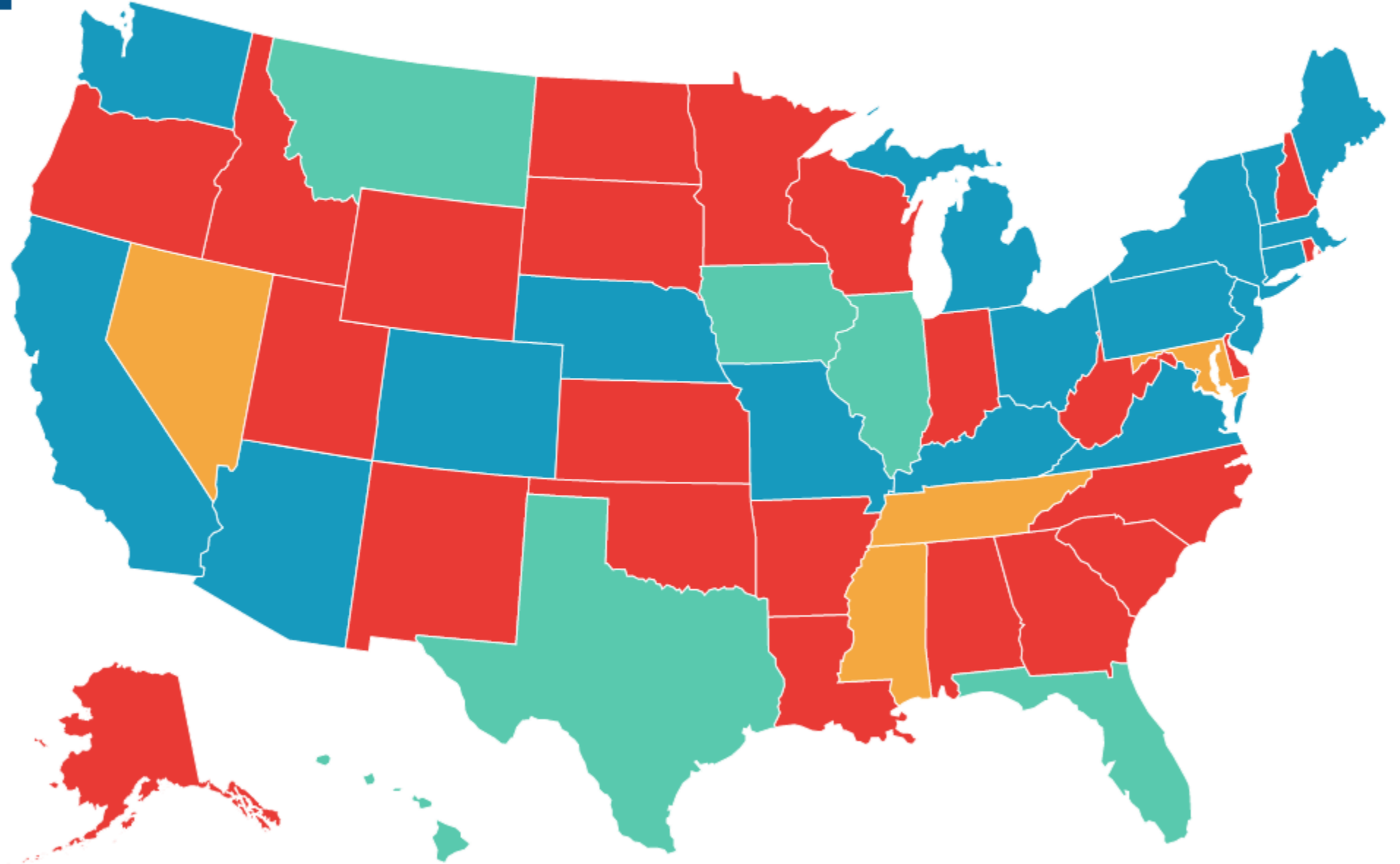
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VARIES BY LOCALITY

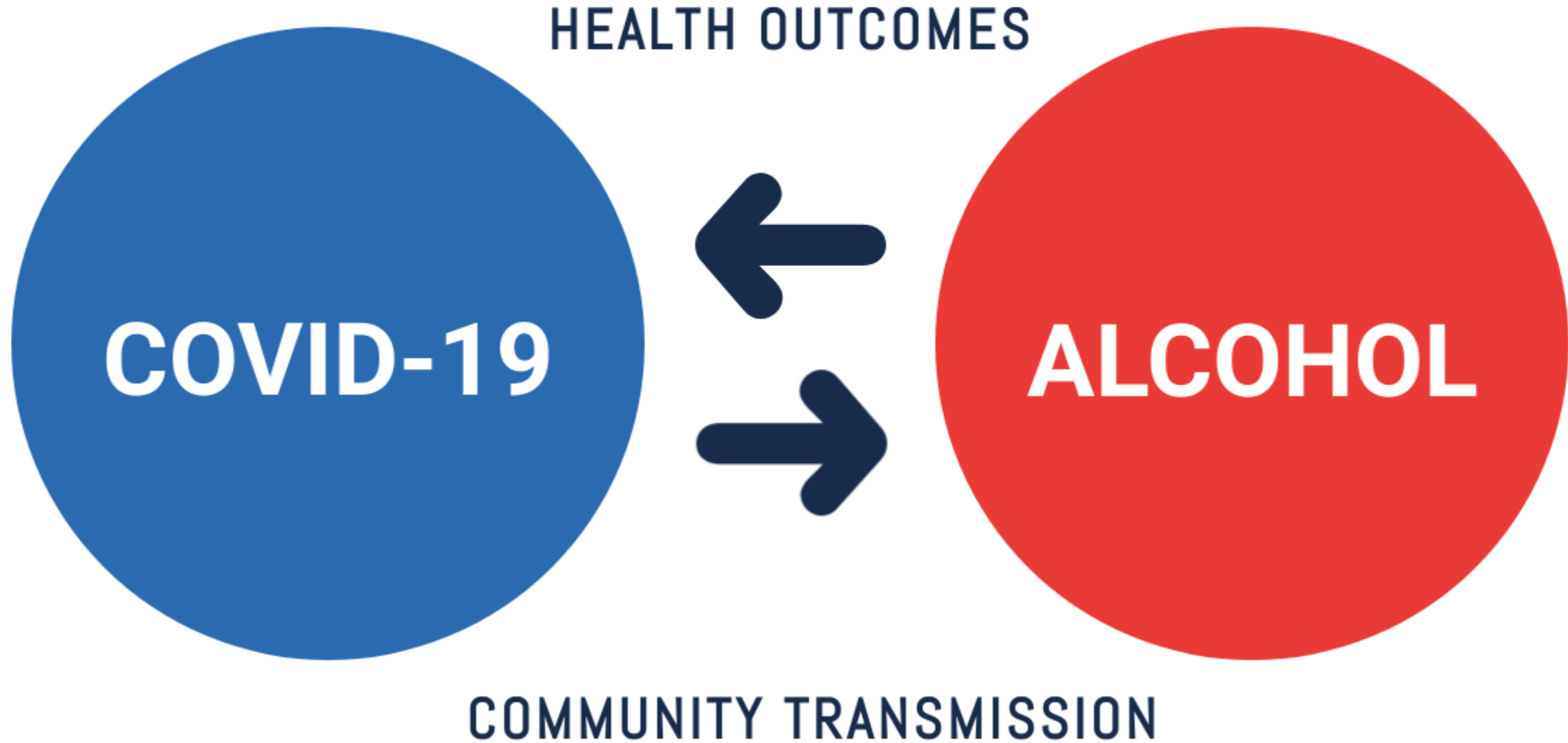
MANUFACTURER-SEALED ONLY

YES - INCLUDING DRINKS MIXED

ON-PREMISE AND RESEALED



Covid-19 & Alcohol: A Bidirectional Relationship





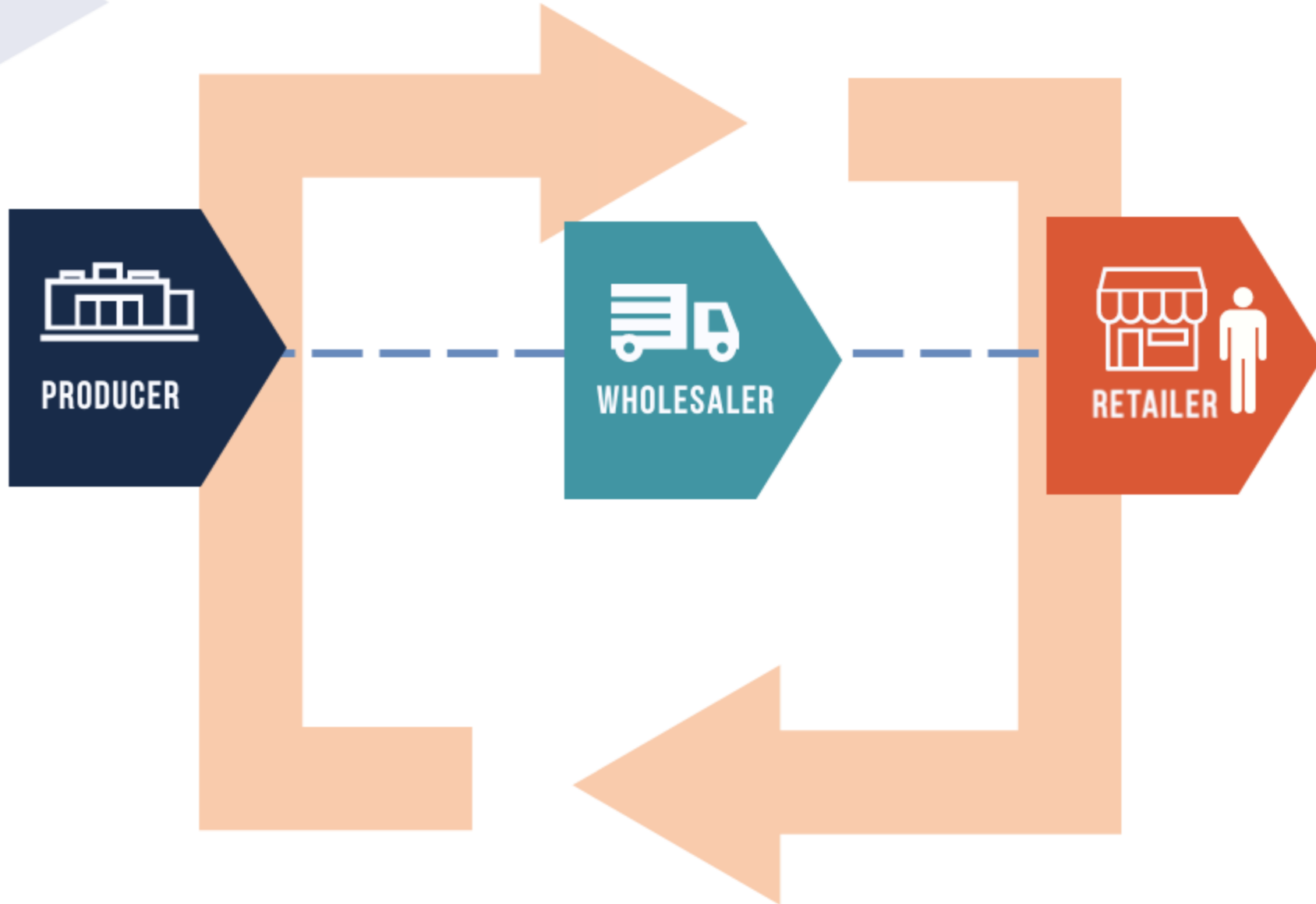
E-COMMERCE

Consumer demands for convenience are driving direct-to-consumer market shifts



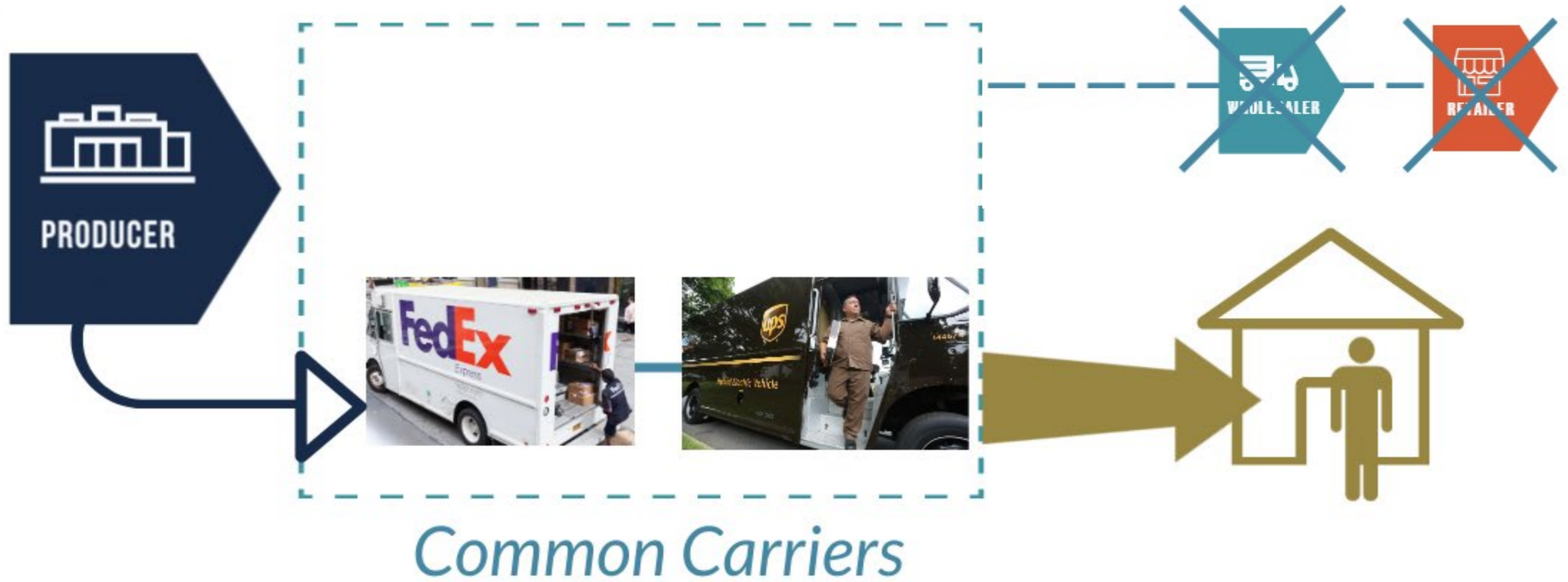
The Basics

3 Tier System



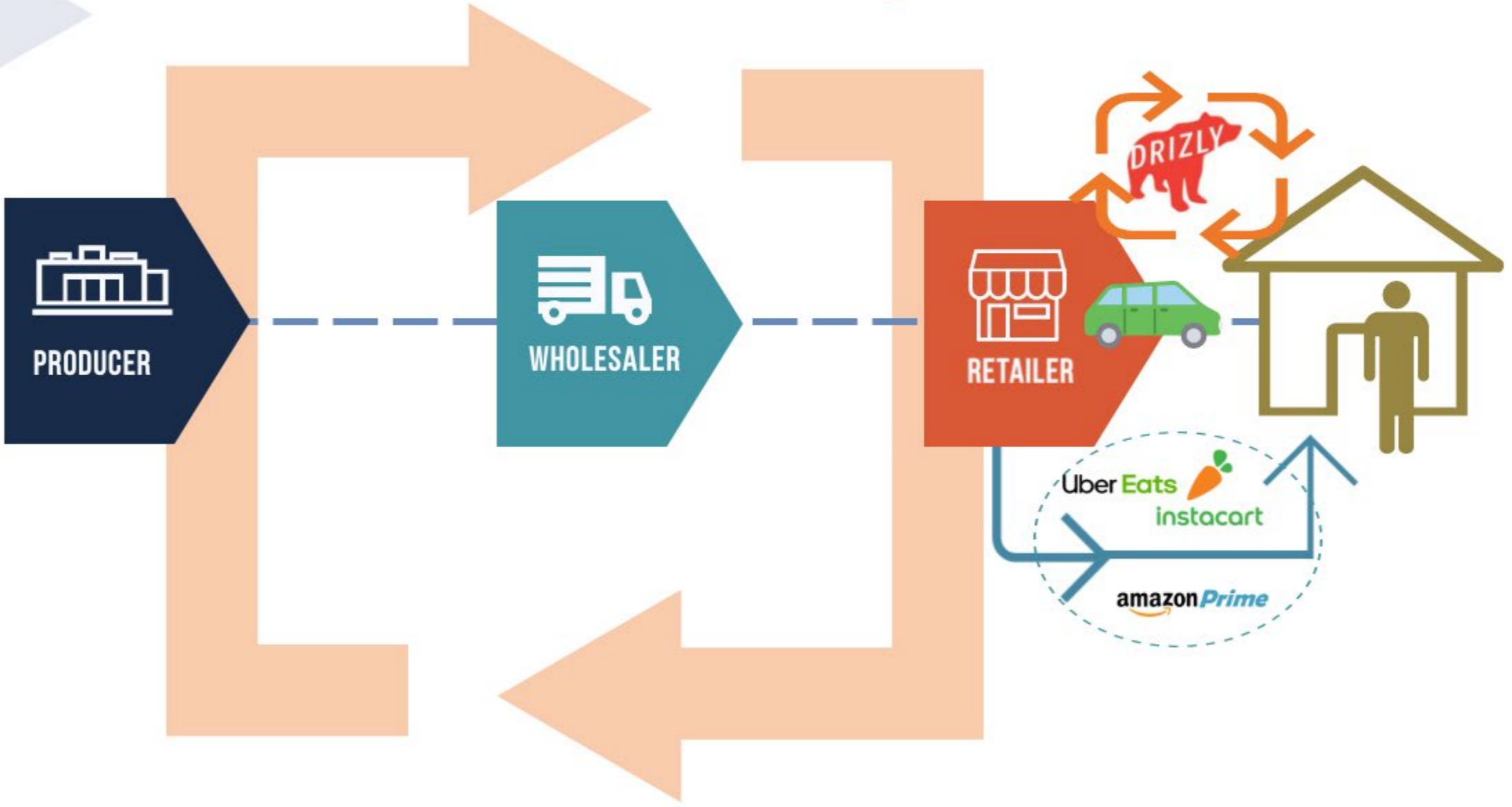
The Basics

Direct Shipping



The Basics

Home Delivery *3rd Party Delivery and Online Platforms*





DTC Challenges

- ✓ How to ensure proper alcohol excise (and sales) taxes are collected
- ✓ How to verify all DTC operators are licensed (common carriers, fulfillment centers, 3rd party drivers)
- ✓ How to track tainted products when needed
- ✓ How to ensure age verification is happening and determine who is responsible if illegal sale occurs
- ✓ What type of enforcement efforts are possible in this new market (time, resources, best practices)

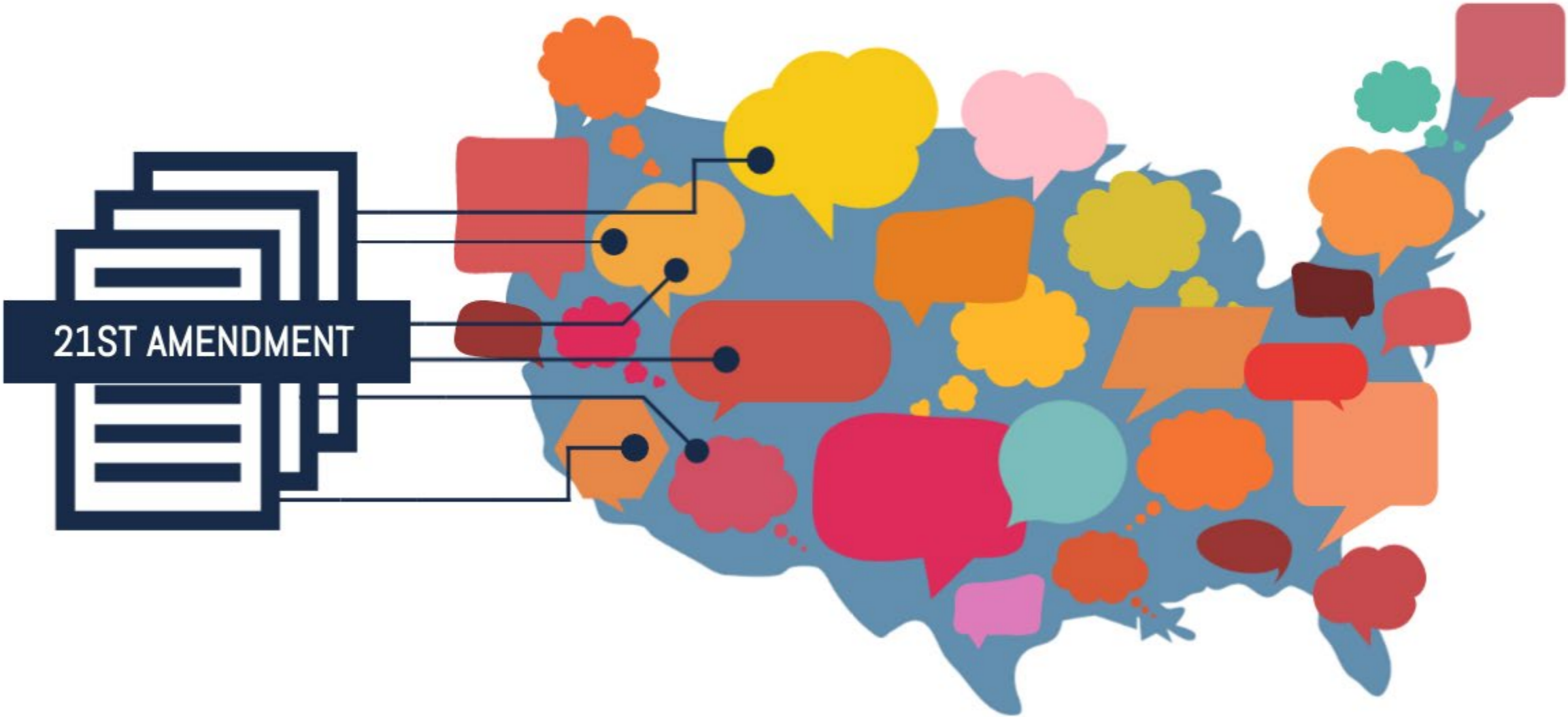


FEDERAL COURTS

Challenges to state alcohol regulations demand improved data collection



Alcohol in the United States Constitution



U.S. SUPREME COURT CASE

Tennessee Wine and Spirits Retailer Ass'n v. Thomas



Each State has leeway to enact the measures that its citizens believe are appropriate to address the public health and safety effects of alcohol use and to serve other legitimate interests, ***but it does not license the States to adopt protectionist measures with no demonstrable connection to those interests.***

Tennessee Wine and Spirits Retailers Association v. Thomas, 588 U.S. (2019)
<https://supreme.justia.com/cases/federal/us/588/18-96/>



NABCA Amicus Brief

HOW YOU CAN HELP

Brainstorming Session

1

REPORTER

Identify person who will report back to the full group once reconvened

2

IDEAS

Strategize ways in which you can assist within the context of the 3 factors driving trends

3

OPPORTUNITIES

Describe opportunities that position WA uniquely to make headway on the three factors driving trends

4

BARRIERS

Explore potential barriers to the opportunities that may impact progress to address the three factors driving trends

WHAT PARTNERS ARE DOING TO HELP

We can learn a lot from one another



TRACK



SUPPORT



COLLABORATE

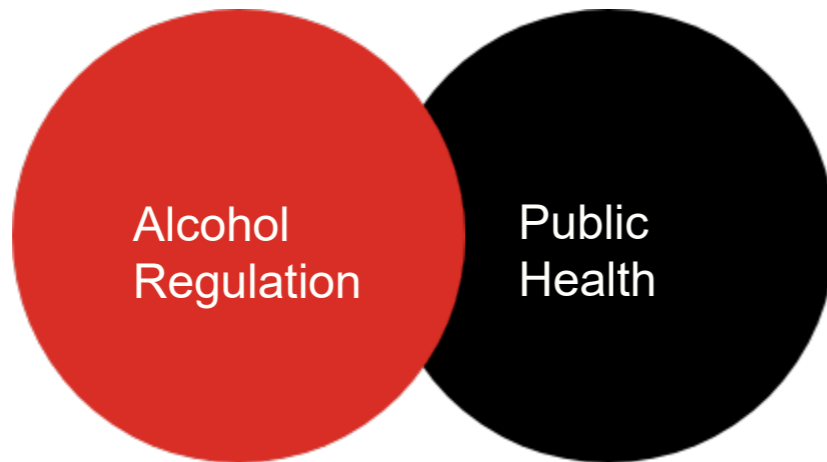
■ Record Management Systems for Alcohol Law Enforcement

" We are at a critical juncture with alcohol regulatory enforcement"

Over the last two decades, national partners have succeeded in creating data collection, standardization, and sharing protocols for law enforcement agencies. These national guidelines paved the way for better systems for data collection and coordination between enforcement and other agency partners at the federal, state and local levels, and we know this can be done for ALE as well.

Inform Alcohol Regulation and Policy

Data collection is a critical nexus between alcohol regulation and public health



Assessment of RMS
Survey Platforms



RMS Variables



Coordination and
Information Sharing



Guidance and
Recommendations

Big Picture of Data



Allocation of
Resources



Effective Decision
Making



Consumption of
Alcohol Needs to be a
Well Regulated
Environment



Interconnection
Between Alcohol Use
and Crime

Enforcement Capacity Challenges



Outlet to Officer Ratio



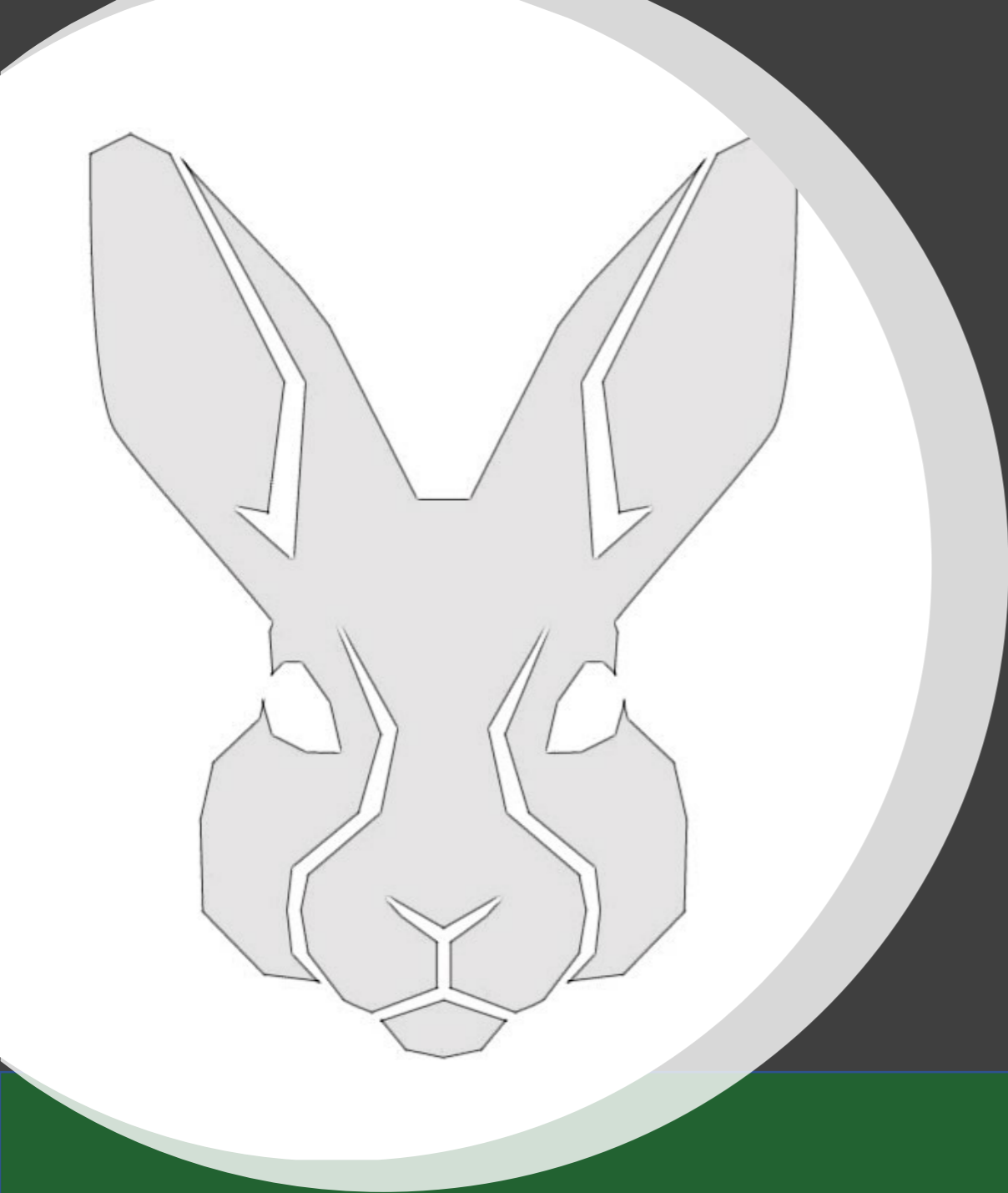
Increased Access and Availability



Age Compliance Checks for Home Delivery



Resources



What does R.A.B.I.T stand for?

Resource Allocation Based on an
Intelligence toolkit

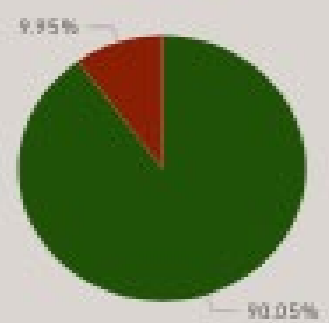


Investigator:
All

Click for Strategic Inspections

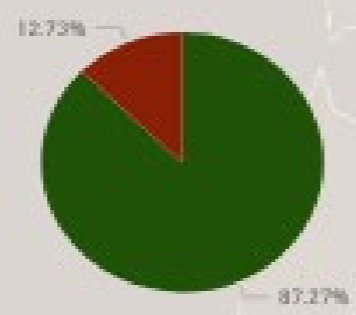
Monkey House Jasper's Tavern Last Stop Sports Bar

90 Day Tobacco Compliance Rate



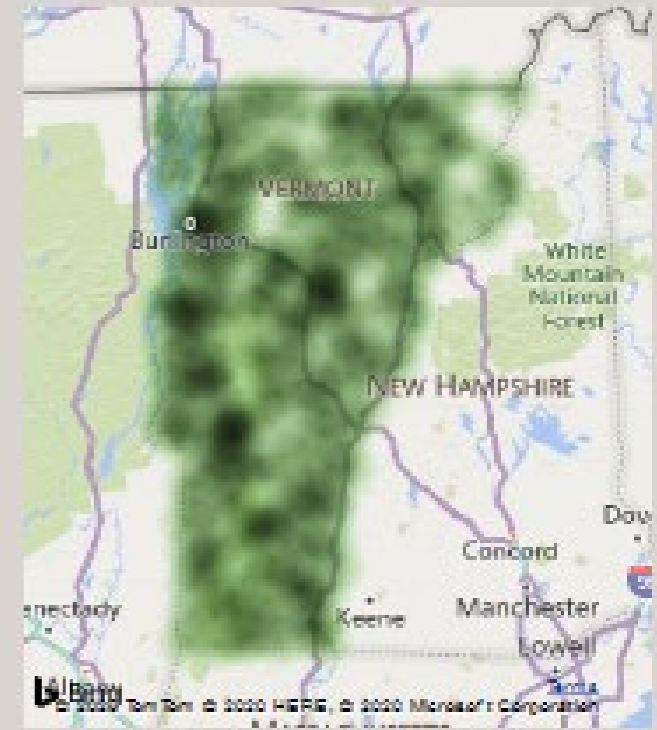
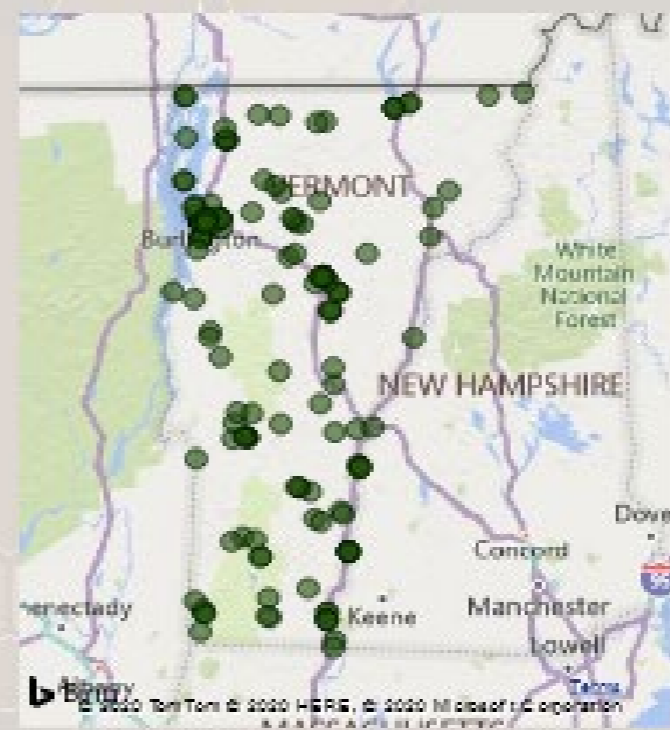
Click for Tobacco Compliance

90 Day Alcohol Compliance Rate



Click for Alcohol Compliance

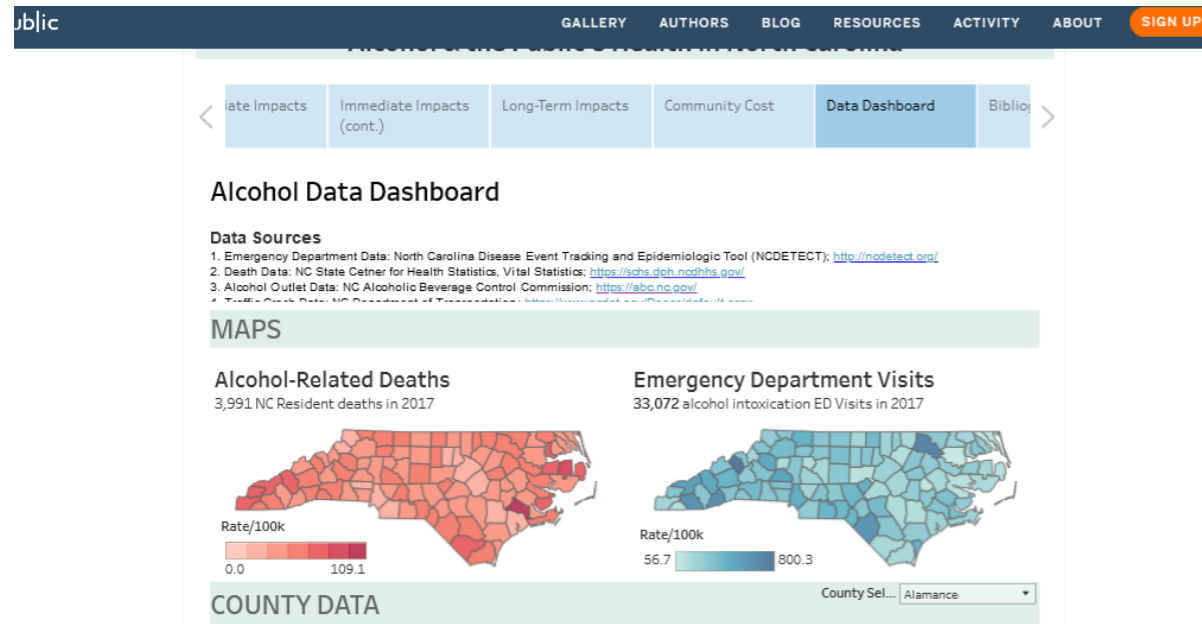
Top 3 to Inspect



Click for Complaints

Click for DUI Data

North Carolina Alcohol Data Dashboard



<https://public.tableau.com/profile/nc.injury.and.violence.prevention.branch#!/vizhome/NCAcoholDataDashboard/Story>

PILLARS OF ALCOHOL REGULATION

Protect public health & safety

Ensure efficient tax/revenue collections

Eliminate unfair or illegal marketing practices

Balance interests

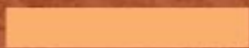


NABCA

THANK YOU!

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