Public Health Law Series Webinar

Alcohol Law and Policy: Lessons Learned from the Field

November 19, 2014
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Alcohol Law and Policy: Lessons Learned from the Field

November 19, 2014
Public Health Law Series Webinar

- A series focused on providing substantive knowledge on important issues in public health law
  - May qualify for CLE credits, details will be sent after the webinar

- Webinar series partners include:
  - American Society of Law, Medicine & Ethics
  - Network for Public Health Law
  - Public Health Law Research Program
Moderator Introduction

Scott Kelly, J.D.
Staff Attorney, Public Health Law Center, William Mitchell College of Law

- J.D., Hamline University College of Law, B.A., St.John’s University

- Research interests/areas of expertise:
  - Healthy Eating
  - Active Living
  - Tobacco Control Initiatives
Panel Introduction

Manny Munson-Regala, J.D.
Assistant Commissioner, Strategic Initiatives, Minnesota Department of Health

- J.D., University of Wisconsin Law School. B.A., University of Wisconsin-Madison

- Research interests/areas of expertise:
  - Substance Abuse initiatives
  - Passage and Implementation of medical cannabis law
  - ACA on public health
  - HMO Regulation
Panel Introduction

**Julia Dilley**, Ph.D., MES.
- Epidemiologist, Program Design and Evaluation Services, Multnomah County Health Department and Oregon Department of Human Services
- Ph.D. from University of Washington, MES, Evergreen State College
- Research interests/areas of expertise:
  - Chronic disease prevention program
  - Health Disparities research for Washington and Alaska
Binge Drinking:
Policy Options

Scott M. Kelly, Staff Attorney
Public Health Law Center at William Mitchell College of Law
Policy: Perception
Reality
Responsible Drinking

• **Problem**
  - American youth drink more frequently and experience more alcohol-related problems than do their European counterparts

• **Remedy**
  - Eliminate or lower minimum drinking age
  - Teach *responsible drinking*
Responsible Drinking

Figure 1. Prevalence of Drinking in the Past 30 Days: United States and Europe
Responsible Drinking

Figure 2. Prevalence of Heavy Drinking in the Past 30 Days: United States and Europe

Sources: 2003 ESPAD Survey and 2003 Monitoring the Future Survey
Responsible Drinking

Figure 3. Prevalence of Intoxication in the Past 30 Days: United States and Europe

Sources: 2003 ESPAD Survey and 2003 Monitoring the Future Survey
Responsible Sales

Ice Cold Beer
Good Food
Happy Hour
“Happy Hour” Laws

Texas Alcohol Beverage Commission
Free Beverages

No licensee or employee or agent of a licensee may:

(1) Offer or deliver any free liquor to any person or group of persons
Additional Servings

Sec. 30-6-A24b. Restrictions on drink promotions

(b) Restrictions.
No permittee, backer, or employee or agent of same, at any on-premises consumption place of business, shall:
(1) sell, offer, or deliver more than one drink to any one person for his/her own consumption at any one time. A second serving may be allowed only after the first serving has been substantially disposed of or consumed;
(2) sell, offer or deliver drinks by the pitcher or other vessel containing more than one drink except to two or more persons, excluding minors as defined by the Liquor Control Act, at any one time. A second serving may be allowed only after the first serving has been substantially disposed of or consumed;
Reduced Prices

**INDIANA**

IC 7.1-5-10-20 Unlawful acts by retailers
Sec. 20. (a) It is unlawful for a holder of a retailer's permit to do any of the following:

1. Sell alcoholic beverages during a portion of the day at a price that is reduced from the usual, customary, or established price that the permittee charges during the remainder of that day.

2. Furnish two (2) or more servings of an alcoholic beverage upon the placing of an order for one (1) serving to one (1) person for that person's personal consumption.

3. Charge a single price for the required purchase of two (2) or more servings of an alcoholic beverage.
Unlimited Beverages

Hawaii
Rules and Regs: §08-101-69 Practice to promote excessive consumption of liquor; prohibited.

a) No licensee of any premises licensed to sell liquor for consumption on the premises shall:

1. Sell, advertise, or offer to sell "all the liquor you can drink" for a fixed price; or encourage, sponsor, permit or have any promotion, game or contest that involves the consumption of liquor or the awarding of liquor as a prize;

2. Serve an unlimited amount of liquor during a set period of time for a fixed price, provided this provision does not apply to class 2 and class 12 licensees, when such function is not open to the general public, and for which a hosted bar is utilized such as weddings, private parties, and fundraising functions, or where liquor may be inclusive with champagne brunch or luaus;
Increased Volume

**Illinois**

(b) No retail licensee or employee or agent of such licensee shall:
(4) increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day.
(c) Retail licensees and permittees may not:
(10) conduct, sponsor or participate in, or allow any person on the licensed premises to conduct, sponsor or participate in, any game or contest to be determined by the quantity of alcoholic beverages consumed by an individual or group, or where alcoholic beverages or reduced price alcoholic beverages are awarded as prizes.
Subd. 4. Prohibited Acts.
(a) It is unlawful for any person(s) to;
(1) host or allow an event or gathering;
(2) at any residence, premises, or on any other private or public property;
(3) where alcohol or alcoholic beverages are present;
(4) when the person knows or reasonably should know that an underage person will or does:
   (i) consume any alcohol or alcoholic beverage; or
   (ii) possess any alcohol or alcoholic beverage with the intent to consume it; and
(5) the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
461.12 MUNICIPAL LICENSE OF TOBACCO, TOBACCO-RELATED DEVICES, AND SIMILAR PRODUCTS.

Subd. 5.Compliance checks.
A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855. Compliance checks must involve minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products under the direct supervision of a law enforcement officer or an employee of the licensing authority.
CHAPTER 12. DELAWARE RESPONSIBLE ALCOHOLIC BEVERAGE SERVER TRAINING PROGRAM

§ 1202. Implementation.

(a) It shall be the responsibility of the Division of Alcohol and Tobacco Enforcement to establish training courses and materials, examinations and examination procedures with respect to the implementation of a mandatory responsible alcoholic beverage server training program in Delaware.
181A.115 PROHIBITED EMPLOYMENT RELATING TO PRESENCE OF LIQUOR.
No minor under the age of 18 shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquors are served or consumed or in any tasks involving the serving, dispensing, or handling of such liquors that are consumed on the premises except that:
(1) minors who have reached the age of 16 may be employed to perform busing, dishwashing, or hosting services in those rooms or areas of a restaurant, hotel, motel, or resort where the presence of intoxicating liquor is incidental to food service or preparation;
(2) minors who have reached the age of 16 may be employed to perform busing, dishwashing, or hosting services or to provide waiter or waitress service in rooms or areas where the presence of 3.2 percent malt liquor is incidental to food service or preparation;
(3) minors who have reached the age of 16 may be employed to provide musical entertainment in those rooms or areas where the presence of intoxicating liquor and 3.2 percent malt liquor is incidental to food service or preparation; and
(4) minors are not prevented from working at tasks which are not prohibited by law in establishments where liquor is sold, served, dispensed, or handled in those rooms or areas where no liquor is consumed or served.
Retailer Caps
Retailer Density

BARS AND GROCERY STORES: Shading represents more references to one search term in the Google Maps directory at a particular location, e.g., a red circle indicates more references to bars than grocery stores. Data collected in August 2008.

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Administrative Penalties
Responsible Driving
EXCELLENCE IN STATE PUBLIC HEALTH LAW PROJECT
Case Study Minnesota

Manny Munson-Regala
Assistant Commissioner- Minnesota Department of Health
The Problem

- In America’s Health Rankings, Minnesota ranked 47th worst for binge drinking
- High incidence of binge drinking across all age groups with people 65 and older having high rates
- High costs to health, public safety and economic productivity
  - A study by the Minnesota Department of Health and the Department of Human Services estimated costs at $5.06 billion or $975 per person in Minnesota
Team

- Dr. Ed Ehlinger, Commissioner of Health
- Cindy Jesson, Commissioner of Human Services
- Mona Dohman, Commissioner of Public Safety
- Senator Chris Eaton (D)
- Senator Jeremy Miller (R)
- Representative Nick Zerwas (R)
- Representative Susan Allen (D)
- Manny Munson-Regala, Asst. Commissioner of Health
Approach

- Review Problem
- Review existing initiatives
- Review “best practices” literature
- Conduct public polling
- Discuss political viability
- Outline approach
Data Sources

- Minnesota Survey of Adult Substance Use (MNSASU), Performance Measurement and Quality Improvement (PMQI), Minnesota Department of Human Services (DHS)
- Behavioral Risk Factor Surveillance System (BRFSS), Centers for Disease Control and Prevention (CDC)
- National Survey on Drug Use and Health (NSDUH), Substance Abuse and Mental Health Services Administration (SAMHSA)
Best Practices

- CDC Community Preventive Service Task Force Recommendations
- U of MN researchers Presentation
- Discussion of current initiatives by DPS and State Substance Abuse Strategy
- Initially focused on price but broadened discussion
Phone Survey

- Focused on
  - Increased tax
  - Increased tax w/dedicated use
  - Limits on drink specials
  - Lowered blood alcohol content
  - First-time offender ignition interlock
Survey Says...

- 52% of respondents in support of a 10-cent tax increase
- 63% in favor if tax used for education, treatment and enforcement
- 51% supported drink special limits
- 52% supported lowering BAC

- 84% supported mandatory ignition interlock
Debate

- Cost of devices
  - Affordability
  - Discriminatory Impact
- Reliability in MN winter
- Innocent Spouse/Partner/Family Member
- Unsession
- Other partners not ready (e.g. MADD)
- Election year
- Booming craft brewery industry
Missing Pieces

- Work on norms/attitudes on use or misuse
  - Need to define binge drinking outside the literature
  - Data on current attitudes
  - Successful messaging streams
- Connection with community partners
  - Work with MADD started but mid-project
  - Connecting with DWI task started but mid-project
Lessons and Wins

- Working relationships with legislative members and administration
- Better understanding of the uses (and limits) of public health research
- Uses of surveys as part of policy approach
- Evidence without narrative is ineffective
- Narrative means shifting cultural norms
Next Steps/Other Factors

- External efforts
- Development of Narrative
- Revenue impacts
- Affect of other events
  - Substance abuse
  - Cannabis
  - Elections
Impact of Washington State Initiative I-1183 (alcohol privatization): What do we need to know?

Public Health Law Research, Robert Wood Johnson Foundation
Alcohol Policies Webinar
November 20, 2014

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Acknowledgements

Many thanks to multiple partners who support this ongoing study

- I-1183 Study Advisory Team
  - Rusty Fallis, Washington State Office of the Attorney General – advisory chair
  - Rick Garza & Mary Segawa, WA Liquor Control Board
  - Michael Langer, WA DSHS Dept Behavioral Health & Recovery
  - Steve Schmidt, Natn’l Alcohol Beverage Control Association
  - Katrina Hedberg, PhD, Oregon Health Authority
  - Judy Cushing, Oregon Partnership
  - Leslie Walker MD, Seattle Children’s Hospital
  - Denise Fitch, Education advocate
  - Myra Parker, PhD JD, University of Washington
  - Bill Kerr PhD and Tom Greenfield PhD, Public Health Institute Alcohol Research Group
  - Sondra Storm, Multnomah County Health Department Strategic Prevention Framework Coordinator

- Study Staff Team Members and Key Partners
  - Myde Boles PhD, Susan Richardson MPH, Julie Maher PhD – PDES Oregon
  - Erica Austin PhD, Bruce Pinkleton PhD, Stacey Hust PhD – Washington State University
  - Nancy Sutherland, University of Washington Alcohol and Drug Abuse Institute (ADAI)
  - Atar Baer PhD , Jeff Duchin MD and Nadine Chan PhD, Public Health Seattle & King County

- Principal Investigators
  - Julia Dilley, PhD MES – Program Design & Evaluation Services, Multnomah County & Oregon Health Authority
  - Linda Becker PhD – Washington State Department of Social & Health Services

- This study is funded by Public Health Law Research, a national program of the Robert Wood Johnson Foundation
Background: Change in Law

- **WA I-1183**: “privatized” alcohol distribution (Nov 2011)
- Initiative promises
  - More revenue for state
  - More access/choice for consumers
  - Tight restrictions to protect youth
Methods

• Applying rigorous research methods to understand the impacts
  • Interrupted time series regression models
    • Adjusting for background trend, demographic changes, seasonality
  • Multiple existing data systems in Washington
    • Currently incorporating Oregon as a comparison group
  • Varied timeframes for data availability
Interim Report Data Coverage

June 1, 2012—law change

Liquor system administrative data (volume sales & revenue): 1/10-12/13
BRFSS Adult: 1/10-12/12
HYS Youth: 10/08-10/12
ED visits for King County: 1/10-9/13
ED visits for all Medicaid-covered minors: 1/06-6/13
Single Vehide Nighttime Crashes: 1/10-2/13
Model for Change

I-1183

Change in Distribution Environment

Change in Consumption (or predictors)

Benefits
Revenue

Costs
ER Visits
Thefts
Summary of Findings to Date

Implementation date: June 1, 2012
Changing Spirits Sales Laws & Policies

May 31, 2012 and before...

June 1, 2012 and after..
Summary of Findings to Date

I-1183

Change in Distribution Environment
Spirits Distribution Environment

1-2 years after the change in law
There are more places and times to get spirits

- Increased number of spirits retailers
  - 328 to 1400+
- Increased potential maximum hours of sale
  - 73 to 140
- Similar resources for enforcement
  - # of LCB officers
- Similar compliance rate for spirits sales checks
  - 90%+ refuse sales to undercover minors
Summary of Findings to Date

I-1183

Change in Distribution Environment

Change in Consumption (or predictors)
Alcohol Consumption & Predictors of Consumption

Youth: 5 months after change in law

Overall, youth alcohol use & binge drinking continued to decline similar to recent trends & the US trend (but slight increases in days of drinking for older boys)

However, multiple key predictors of future youth drinking increased

- Fewer youth believe alcohol is wrong & fewer perceive anti-alcohol beliefs among peers, parents (no change in general community)
- More 12th grade youth say alcohol is “very easy” to get if they want some
Alcohol Consumption & Predictors of Consumption

Adults - 7 months after change in law

Adult drinking increased slightly

• Overall, small but statistically significant increase in “any drinking” (59.5% to 61.4%)
• Increases in maximum number of drinks among men (by about .5 drinks)

General population Spirits Sales - 16 months after change in law

More spirits were sold

• About 1.1 million “extra” liters of spirits sold in Washington State by off-premise retailers (a 3-4% increase overall)
• Note: this underestimates the real distribution by about .7 million due to lost military system sales
Summary of Findings to Date

I-1183

Change in Distribution Environment

Change in Consumption (or predictors)

Benefits
- Revenue

Costs
- ER Visits
- Thefts
- DUI
Benefits: Revenue

**Tax Revenue - 16 months later**
- Estimated “extra” $30.9 million in revenue for off-premise sales
  - loss of about $6.9 million in revenue for on-premise sales

**Fee Revenue - 16 months later**
- Similar annual revenue from fees (new fees replaced old State Liquor Board “markup”)

**Net gain in spirits revenue about $24 million**
Costs: Emergency Department Visits

• Used data from King County (all residents) and Medicaid (minors) to examine trends in alcohol-related Emergency Department (ED) visits pre- and post-law (June 2012)

• Statistically significant increases in alcohol-related ED visits, translating to thousands of extra visits
  • Minors (teens and young adults <21, especially boys) – 14-25% increase
  • Men and women ages 40+ -- 7-21% increase

• No change for adults ages 21-39
Costs: Alcohol Thefts

• No systematically collected data available
• Used four sources to summarize what is known
  • Media Story Analysis, Police reports, Stakeholder survey, High school norms survey
• Themes
  • Dramatic increase from low theft rate pre-1183;
  • “it’s easy to steal”
  • Organized thefts for resale
  • Stores avoid intervention: some danger for store staff, reporting to police not worth the effort
  • Teens stealing for distribution
• Conclusion: thefts are a substantial problem resulting in increased spirits access and lost revenue
Unclear impact: DUI and Alcohol-related Fatal Crashes

- Overall counts of DUI arrests and Fatal Crashes declining – similar to recent historical and national trends
  - Some research indicates decreases alcohol crashes associated with increased density of off-premise alcohol retailers
  - DUI arrests correlated with enforcement capacity, increased use of “ignition interlock devices”
  - Traffic fatalities associated with overall road safety, weather, emergency response system performance
Single Vehicle Nighttime Crashes (SVNC)

- A proxy measure for alcohol-impaired driving
- **SVNC increased among young drivers/minors** (drivers aged 15-20), significantly for boys and non-significantly for girls
- An estimated total of about 450 excess crashes in the 9 months after implementation of I-1183
- Older age groups showed no significant change, except for a small (but significant) increase among male drivers age 51 and older
Summary of Interim study findings: Balancing Impacts of I-1183

Benefits
- Money

Costs
- Emergency Dep’t Visits
- Alcohol Thefts
- Crashes for younger drivers
Continued Study

• Alcohol study funded through mid-2015. Next data releases December 2014
  • Hospitalization
  • Deaths
  • Births
  • Traffic
  • Crime
  • Alcohol treatment

• April 2015 update will include
  • Adult consumption
  • Youth consumption and predictors
Thank you!

Please contact for questions or more information

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Q&A

Please type your questions in the Q&A panel.
Upcoming Webinars

Thank you for attending.

Please join us for this upcoming webinar:

Global Health Law with Professor Lawrence O. Gostin
Friday, December 11 at 3 p.m. (ET)

More info at: networkforphl.org/webinars