



Alcohol Law and Policy Conference Examines Current Alcohol Regulatory Environment

Sep. 11, 2015

CHICAGO, IL – The Center for Alcohol Policy (CAP) Eighth Annual Alcohol Law and Policy Conference began today at the Hyatt Chicago Magnificent Mile in Chicago, Illinois, with a welcome by CAP Advisory Council member and former National Traffic Safety Board Chairman James Hall. He noted that the conference is a key opportunity for a diverse group of state and federal alcohol regulators, law enforcement, legislators, public health advocates, members of the alcohol beverage industry and others interested in alcohol policy issues to come together to learn and share ideas.



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CAP Advisor and Samford University Cumberland School of Law Professor Brannon Denning moderated a panel examining the 21st Amendment a decade after the *Granholm v. Heald* decision in 2005, when the U.S. Supreme Court held that states may not directly favor in-state alcohol producers while denying the same benefit to out-of-state producers as this violates the dormant Commerce Clause of the U.S. Constitution.

Max Hess, attorney at Taylor, Feil, Harper, Lumsden & Hess, P.C.; Neal Insley, general counsel for the National Alcohol Beverage Control Association; and Michael Madigan, managing partner at Madigan, Dahl & Harlan, P.A.; reviewed the numerous court cases that have clarified the law since *Granholm v. Heald* and upheld states' right to regulate alcohol under the 21st Amendment.

Attorney Michael Madigan said, "The 10 years since the *Granholm* decision have brought further support for the 'three-tier system is unquestionably legitimate' reasoning of the Supreme Court."

A panel moderated by Pamela Erickson, the CEO of Public Action Management and former executive director of the Oregon Liquor Control Commission, focused on lessons learned by local governments with regard to granting new liquor licenses, informing local stakeholders and the impact on law enforcement. Karen Duddlesten, deputy director of the Las Vegas Department of Planning; Kathie Durbin, division chief for licensure, regulation & education for the Montgomery County Department of Liquor Control in Maryland; and Julia Sherman, coordinator of the Wisconsin Alcohol Policy Project at the University of Wisconsin Law School; shared examples from their states.

Jerry Oliver, CAP Advisory Council member and former Arizona alcohol regulator and chief of police for Detroit, Richmond and Pasadena, moderated a panel on new threats to public health. Sgt. Jermaine Galloway of the Boise Police Department, Bruce Lee Livingston of Alcohol Justice and Dr. Brad Uren of the University of Michigan explored what legislators, regulators, law enforcement and the community can do to keep kids safe in today's environment.

A panel moderated by Paul Pisano, senior vice president of industry affairs and general counsel for the National Beer Wholesalers Association, examined the history, successes and weaknesses of the Federal Alcohol Administration Act, which was passed 80 years ago by Congress to govern the federal regulation

of the new alcohol industry following Prohibition's repeal. The panel included Anthony Gledhill, chief counsel for the U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB); Vicky McDowell, the president & CEO of the Presidents' Forum of the Distilled Spirits Industry; and Robert Tobiassen, former general counsel for the TTB. Tobiassen noted that the law is 80 years old but has much regulatory flexibility.

J.T. Griffin, chief government affairs officer for Mothers Against Drunk Driving (MADD), provided an update on drunk and drugged driving, including current incidence rates and the future of technology to prevent cars from being operated by drunk drivers.

A panel of both veteran and new state alcohol regulators shared what they have learned from their position and what others involved in the alcohol industry should consider as they embark on their duties to regulate the alcohol industry. Panelists included Ivan Fernandez of the Illinois Liquor Control Commission; Thomas Philpot of the Florida Department of Business & Professional Regulation Division of Alcoholic Beverage and Tobacco; and Jessica Starns of the Louisiana Office of Alcohol and Tobacco Control. Roger Johnson, former assistant chief for the Alcohol & Tobacco Enforcement Division of the Wisconsin Department of Revenue, also shared insights from his new guide, "Alcohol Beverage Control: The Basics for New State Alcohol Regulators."

The final session of the day featured Scott Kotchko, executive vice president of Whitman Insight Strategies, who explained the results of a recent bipartisan survey on national attitudes about alcohol. The survey findings indicate that Americans agree that regulation is important, especially when it comes to alcohol; Americans do not think alcohol is just like other consumer products and support regulations on alcohol that are not found on other consumer goods; Americans are very happy with the variety of alcohol options currently available to them; and Americans believe that local businesses that understand the local community should manage alcohol distribution and sales.

The CAP's Eighth Annual Alcohol Law and Policy Conference continues Friday, September 11, at the Hyatt Chicago Magnificent Mile in Chicago, Illinois. The conference agenda can be found at www.centerforalcoholpolicy.org.

For live updates from the event, follow @AlcoholPolicy on Twitter using the hashtag #CAPLaw.

About:

The Center for Alcohol Policy is a 501c(3) organization whose mission is to educate policy makers, regulators and the public about alcohol, its uniqueness and regulation. By conducting sound and scientific-based research and implementing initiatives that will maintain the appropriate state-based regulation of alcohol, the Center promotes safe and responsible consumption, fights underage drinking and drunk driving and informs key entities about the effects of alcohol consumption. For more information, visit www.centerforalcoholpolicy.org or follow the Center on Twitter at www.twitter.com/AlcoholPolicy.