



CENTER FOR

**ALCOHOL POLICY**

*Exploring, Researching and  
Expanding Education on  
Alcohol Regulation*

## Mission Statement

The purpose of the Center is to educate policymakers, regulators and the public about alcohol, its uniqueness and its regulation. By conducting sound research and implementing initiatives that will maintain the appropriate state-based regulation of alcohol, the Center promotes safe and responsible consumption of alcohol, fights underage drinking and drunk driving and informs key entities and the public about the effects of alcohol consumption.

# What is the Center for Alcohol Policy?

The Center for Alcohol Policy works to educate policymakers, regulators and the public about alcohol, its unique attributes and the role of alcohol regulation.

The 21<sup>st</sup> Amendment, which repealed Prohibition in 1933 and established today's system of state-based alcohol regulation, defines alcohol as "intoxicating." As such, the Center focuses its research and educational efforts on a broad range of issues including the appropriate regulation of alcohol and the alcohol industry, safe and responsible consumption of alcohol, underage drinking, abusive drinking, drunk driving and the effects of alcohol consumption.

The Center's educational activities and research efforts are guided by a Board of Trustees in conjunction with counsel from an independent Advisory Council composed of distinguished leaders from areas such as education, business, government, law enforcement, health and public policy.

The Center strives to educate the public about effective state regulation that enforces the responsible manufacture, distribution and sale of alcohol beverages to adults of legal drinking age.

# Value Statement

In 2006, Congress passed groundbreaking legislation, which was signed into law, addressing problems associated with underage drinking. This legislation, the Sober Truth on Preventing Underage Drinking Act (STOP Act-PL #109-422), recognizes the primary role that the states play in regulating alcohol. The Center draws inspiration from language in the STOP Act:

*Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts.*

*States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation and storage of alcoholic beverages are clearly in the public interest and are critical to promoting responsible consumption, preventing illegal access to alcohol by persons under 21 years of age from commercial and non-commercial sources, maintaining industry integrity and an orderly marketplace and furthering effective State tax collection.*



# The Public's Interest Drives the Center's Initiatives

The Center conducted a national survey to learn about American adults' attitudes on alcohol regulation. Survey results showed:

**70%** of Americans support the right of individual states to set their own laws and regulations surrounding the sale of alcohol

**91%** agree that state and local laws regarding alcohol regulations should be decided by lawmakers and citizens - not by judges

**96%** support laws and regulations that are proven to reduce the number of drunk driving fatalities and prevent underage drinking

**85%** believe that beer, wine and liquor should NOT be sold online

**62%** of Americans overwhelmingly support the current system of alcohol regulation



# Educating about the Importance of the 21<sup>st</sup> Amendment

## ESSAY CONTEST

The Center sponsors an annual national essay contest to foster debate, analysis and examination of the importance of state-based alcohol regulation, encouraging participants to focus on legal analysis, law enforcement issues, tax collection and other relevant topics. The essay contest attracts entries from academics, legal professionals, students and others. Topics have included **“State regulation of alcohol is important because...”** and **“The 21<sup>st</sup> Amendment is important because...”**

Winning essays are posted on the Center’s Web site at [www.centerforalcoholpolicy.org](http://www.centerforalcoholpolicy.org).

“Although its virtues will likely be long debated, its uniqueness never can be.”

Andy Herrold, J.D.  
Pennsylvania  
2008 First Place Recipient

“The 21<sup>st</sup> Amendment is important because it affirmed Western Civilization’s traditional view of alcohol’s place in society...”

Dr. Stephen Bertman  
Professor Emeritus of Classics,  
University of Windsor, Canada  
2008 Second Place Recipient

## ANNUAL ALCOHOL LAW SYMPOSIUM

To help understand the challenges to state-based alcohol regulation across the country, the Center organizes an annual Alcohol Law Symposium that brings together regulators, legal scholars, attorneys general, public health officials, alcohol industry leaders and others to engage in an open dialogue about current alcohol laws and challenges. Topics have included the history of alcohol regulation in the United States; state attorneys general's perspectives on alcohol policy debates; the extent of authority granted to the states by the 21st Amendment; and the importance of public health in alcohol regulation.

In 2009, the Center held the Second Annual Alcohol Law Symposium in Chicago, Illinois. It featured insightful panels including current and former alcohol regulators who discussed the challenges they face in defending state liquor laws under the 21<sup>st</sup> Amendment. Educational sessions have explored a wide range of important topics including:

- Globalization and a U.S. Constitutional Amendment: The Future of Alcohol Laws in the United States
- Trade Practice Laws: A State and Federal Perspective
- What is the Fosdick and Scott Report and Why is it Important?
- Supplier Contracts: Implications for State Alcohol Laws
- Liquor Liability Laws: Pros, Cons and Recent Developments
- 21<sup>st</sup> Amendment Litigation Update
- Public Health Aspects of Alcohol Regulation
- Defending State Liquor Laws Under the 21<sup>st</sup> Amendment: A State Perspective
- Common Legal Issues Facing Operators of Alcohol Companies

Nebraska Attorney General and President of the National Association of Attorneys General Jon Bruning presented the Symposium's keynote address in 2009. He discussed the state attorney general's role in debates about alcohol, a state's role under the 21<sup>st</sup> Amendment and the importance of fighting the abuse of alcohol.

Continuing Legal Education (CLE) credits for those who attended the Symposium were offered for all states sought. Details for the 2010 Alcohol Law Symposium can be found at [www.centerforalcoholpolicy.org](http://www.centerforalcoholpolicy.org).

## 2009 LEGAL SYMPOSIUM SPEAKERS AND PANELISTS:

Anoop Bhasin, West Virginia Alcohol Beverage Control (Charleston, WV)

Richard Blau, Gray Robinson, P.A. (Tampa, FL)

Jon Bruning, Nebraska Attorney General (Lincoln, NE)

Jerome Cajka, Alcohol Tax and Trade Bureau (Cleveland, OH)

Judy Cushing, Oregon Partnership (Portland, OR)

Stephen Diamond, Alcoholic Beverage Law Professor (Coral Gables, FL)

Pam Erickson, Public Action Management (Scottsdale, AZ)

Tom Fisher, Indiana Solicitor General (Indianapolis, IN)

Kelly Grebe, MillerCoors (Chicago, IL)

Max Hess, Chorey, Taylor and Feil (Atlanta, GA)

Roger Johnson, Wisconsin Department of Revenue (Madison, WI)

Michael Madigan, Attorney, Madigan, Dahl & Harlan, P.A. (Minneapolis, MN)

Jeremiah McWilliams, St. Louis Post Dispatch (St. Louis, MO)

Jim Petro, Former Ohio Attorney General (Columbus, OH)

Robert B. Rupe, Nebraska Liquor Control Commission (Lincoln, NE)

Michele Simon, Marin Institute (San Rafael, CA)

Mark Willingham, Alcohol Solutions LLC (Jacksonville, FL)

Craig Woodcook, Ben E. Keith Company (Dallas, TX)

Don Ziegler, American Medical Association (Chicago, IL)



## The Dangers of Alcohol Deregulation: The United Kingdom Experience

The news out of the United Kingdom describing the abuse of alcohol and the lack of proper regulation of alcoholic beverages in that country is something that dominates discussions of alcohol regulation. That's why the Center commissioned a report to examine the relaxed alcohol regulation in the U.K., which is characterized by very high rates of youth intoxication and increasing incidences of alcohol-induced diseases. The conclusion of the report: deregulation of alcohol has had many dangerous and unintended consequences in the U.K., and alcohol should not be deregulated in the United States.

Other key findings of the report include:

- An acute public health crisis: The rates of liver cirrhosis among 30-year-olds and hospitalizations for alcohol poisoning in the U.K. have increased tremendously in conjunction with deregulation.
- Taxation as only measure of price control: The U.K. has attempted to use tax measures alone to control prices, which has not worked. Multiple measures are needed to achieve balance in the marketplace.
- Extended hours of service: Alcohol is available 24 hours a day, and the connection of heavy drinking and crime has been a well-established problem in the U.K.
- Prevalent youth access to alcohol: The rate of childhood drinking in the U.K. is more than twice the rate in the U.S.
- Domination of “big box” grocery chains: In the U.K., four grocery store chains control 75% of the market. The business model used by these chains makes it feasible for grocery stores to offer large quantities of cheap alcohol.

# Supporting Initiatives to Keep Citizens and Communities Safe

## ENDURING REGRET VIDEO



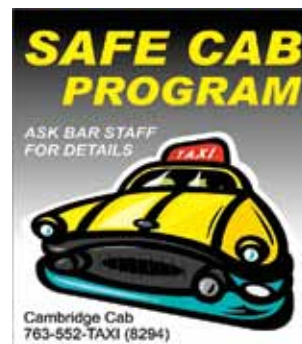
The Center partnered with the Georgia Governor's Office of Highway Safety and the Georgia Beer Wholesalers Association to fight drunk driving by distributing a dramatic documentary, *Enduring Regret: Chris Sandy's Story of Living Life After Causing Death*. In the video, the convicted killer, shown in a prison jumpsuit and shackles, agonizes over his terrible decision to get behind the wheel after consuming alcohol irresponsibly which led to the deaths of a grandmother and grandfather. The video has been distributed to communities around the country in hopes of educating citizens, especially teenagers, about the dangers of drunk driving.

A preview of the video—which

received two regional Emmy Awards—is available on the Center's Web site [www.centerforalcoholpolicy.org](http://www.centerforalcoholpolicy.org). Complimentary copies of the *Enduring Regret* DVD are available for educational purposes.

## SAFE RIDE PROGRAM

The Center participated in the Safe Cab Program in Isanti County, Minnesota, by providing a grant that helped fund this program that works to stop drunk driving and to research why some people unfortunately do drive drunk. Created and operated by Isanti County District Judge James E. Dehn, the program aims to reduce the number of DUI-related accidents. This important program has led to a 40 percent reduction in the number of DUI arrests in the Isanti County area. Judge Dehn continues to expand this program, which has received significant media coverage for its effectiveness.



# The Advisory Council

The Center for Alcohol Policy Advisory Council includes distinguished leaders from areas such as education, business, government, law enforcement, health and public policy who are committed to the regulation of alcohol. Advisory Council members possess an understanding of and a desire to protect each state's ability to control alcohol for legitimate public purpose. The individuals provide leadership and advise the Center in the areas of research and education. They work to educate the media, policymakers, state regulators, educators and the public about the regulation of alcohol, safe and responsible consumption of alcohol, underage drinking, drunk driving and the effects of alcohol consumption.

## JAMES M. PETRO, CHAIR



Petro, who serves as the Chair of the Advisory Council, is the former attorney general of Ohio.

During his term as attorney general, the State of Ohio was a principal party in five cases decided by the United States Supreme Court, and Petro appeared personally to argue one of those matters before the Court (*Wilkinson v. Austin*, 545 U.S. 209 (2005)). He also personally presented or argued Ohio cases

in state trial court and in the United States Court of Appeals. Aggressive case strategies initiated by Petro resulted in over a billion dollars in debt recovery for the state of Ohio.

For more than 20 years before his election to state office in 1995, Petro was a practicing lawyer in Cleveland, Ohio. In addition to his private practice, he continually has been engaged in public service as prosecutor, city law director, state legislator and county commissioner. Because of his state service, Petro has received numerous national awards for innovation, advocacy and financial management. He

is a graduate of Denison University and Case Western Reserve University School of Law. Petro currently practice law with the Roetzel-Andress firm in Columbus, Ohio.

## JAMES E. HALL



Hall is a leading expert on crisis management and government relations, as well as transportation safety and security. Hall was nominated by President Clinton to the National Transportation

Safety Board (NTBS) in 1993, became the chairman in 1994 and led the NTBS through January 2001. Under Hall's leadership, the NTSB issued landmark safety studies on commuter airlines, the air tour industry, the performance and use of child restraint systems, personal watercraft, transit bus operations, passive-grade railway crossings and the dangers posed to children by passenger-side airbags in automobiles.

Hall began his career in Washing-

ton, D.C., serving as counsel to the Senate Subcommittee on Intergovernmental Relations and a member of the staff of Senator Albert Gore, Sr. He maintained a private legal practice in Chattanooga, Tennessee, before serving in the cabinet of Tennessee Governor Ned McWherter. Hall served as director of Tennessee's Planning Office for five years. In 1987, he helped develop and lead the Drug Free Tennessee program, the state's first comprehensive effort to combat the problems of drug abuse which continues to operate today. Hall also served as chief of staff for Senator Harlan Mathews.

Today, Hall serves as an adviser to governments and private clients on transportation safety and security, crisis management and government relations. Hall is a University of Tennessee Trustee, serves on the board of directors of numerous organizations and has served on the National Academy of Engineering's Committee on Combating Terrorism and the Aviation Institute Advisory Board of George Washington University. Hall is a graduate of the University of Tennessee. He served as a commissioned officer in the U.S. Army from 1967 to 1973, receiving the Bronze Star for Meritorious Service in Vietnam in 1969.

## BRANNON P. DENNING



Denning is a professor and the director of faculty development at Samford University's Cumberland School of Law in Birmingham, Alabama, where he teaches constitutional law

and related courses. Prior to joining the Cumberland School of Law in 2003, Denning taught at the Southern Illinois University School of Law in Carbondale, Illinois.

Professor Denning has written extensively on the Commerce Clause

and the Dormant Commerce Clause doctrine. He was a collaborator with the late Boris I. Bittker on *Bittker on the Regulation of Interstate and Foreign Commerce* (Aspen Law & Business, 1999), which he continues to supplement annually. His articles have appeared in *Constitutional Commentary*, *Foreign Affairs*, the *Minnesota Law Review*, the *Northwestern University Law Review*, the *William and Mary Law Review* and the *Wisconsin Law Review*, among other journals and periodicals.

In 1992, Denning earned his B.A. from the University of the South in Sewanee, Tennessee. He received a J.D. from the University of Tennessee in 1995 and an LL.M. from Yale University in 1999.

*The Center for Alcohol Policy is affiliated with the National Beer Wholesalers Association (NBWA).*



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1101 King Street, Suite 600-A  
Alexandria, VA 22314  
(703) 519-3090

[info@centerforalcoholpolicy.org](mailto:info@centerforalcoholpolicy.org)  
[www.centerforalcoholpolicy.org](http://www.centerforalcoholpolicy.org)