
Alcohol, Culture and Environment Workgroup Recommendations



*Changing Wisconsin's Alcohol Environment
to Promote Safe and Healthy Lives*

April 2010

Wisconsin State Council on Alcohol and Other Drug Abuse,
Prevention Committee, Alcohol, Culture and Environment Workgroup



State of Wisconsin
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Charge to the Alcohol, Culture and Environment Workgroup



The consequences and costs of alcohol misuse in Wisconsin are staggering and have created a diverse range of problems. Changing Wisconsin's culture of alcohol will require an equally diverse set of solutions including new

policies and practices in all segments of the community, including local and state government.

The workgroup will examine the state laws, local ordinances and related policies that regulate the sale and serving of alcohol to identify legal, cultural and financial barriers to alcohol policy reform. The workgroup will also examine the role of Wisconsin's

culture and history as it may impact current alcohol related problems.

Wisconsin's framework for alcohol policy was established fifty years before research demonstrated that public policy and community practices have the ability to prevent and reduce illegal, inappropriate and dangerous alcohol use without significant impact on moderate drinkers over age 21. Accordingly, the workgroup will examine strategies and or options at the private, community, municipal and state levels in an effort to make alcohol less acceptable, available, attractive and affordable to vulnerable populations. Our goal is to reduce underage drinking, young adult binge drinking and alcohol-related vehicular crashes and death.

Alcohol, Culture and Environment Workgroup Membership

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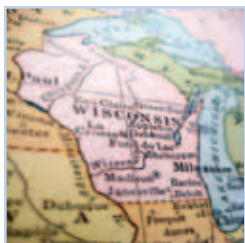
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Background: Alcohol Use in Wisconsin



Alcohol has played an undeniable role in Wisconsin's history. Alcohol production was a factor in early economic growth while the temperance movement played a role in Wisconsin's early political history. In

1836, Wisconsin's territorial

government authorized local alcohol licensure, presaging the current system of municipal licensure.¹ In the late 19th and early 20th century alcohol became a proxy issue for anti-immigrant sentiments and religious bias.² At one point, religious overtones in the alcohol debate led Archbishop Messmer of Milwaukee to ban prohibitionist sermons.³ After prohibition was repealed, Milwaukee became synonymous with beer and the brewing industry, an image reinforced through advertising and popular TV programs.

Over time, nostalgia became denial. Like other people in different cultures and countries, Wisconsinites considered the favored alcoholic beverage a cultural virtue and not alcohol.⁴ The fact that more adults in Wisconsin drink alcohol and consume more alcohol than adults in other states may have masked the increasing occurrence of alcohol abuse and misuse. Over time, alcohol outlets proliferated to double the national average of alcohol outlets per capita.⁵ Wisconsin's rate of disorderly conduct arrests grew to five times the national average during the same period while similar arrest rates in other states were falling.⁶

Since 2000, Wisconsin has experienced among the highest rates in the nation of the following:⁷

- Binge drinking among adults
- Chronic heavy drinking among adults
- Underage drinking
- Underage binge drinking
- Self-reported drinking before driving

As a result, Wisconsin's alcohol-related law enforcement, medical and similar costs have soared. Even more concerning, the number of people who need but do not receive alcohol treatment has soared, especially among youth. In 2007, Wisconsin had an estimated 126,000 young people ages 12-25 in need of treatment for their alcohol dependence who did not receive care.⁸

Wisconsin's alcohol environment has evolved over many years. The result of Wisconsin's alcohol policies and practices were not intentionally malicious but instead were the result of unintentional consequences of community growth, isolated municipal control and the increasing influence of the alcohol and hospitality industries.

Fortunately, the experience of other states and nations suggests communities and institutions have the ability to reverse this situation. Change will take time and resources. Wisconsin's alcohol culture (also called the alcohol environment) can be improved through sustained effort among all segments of the community. In the long run, even difficult changes will be more cost-effective than the extraordinary amounts Wisconsin currently expends on alcohol related health care, emergency services, and treatment. Failure to create change will cripple the state's economic growth, limit our children's future and dishonor the efforts of earlier generations to build a strong and prosperous state.

This report is one step on the path towards a healthier, more prosperous Wisconsin. Subsequent groups should consider continued efforts to improve the alcohol environment, encourage employer efforts to support employees, provide treatment for the alcohol dependent and build communities which support recovery.

Alcohol, Culture and Environment Workgroup Final Report Recommendations

Summary of Recommendations

LEGISLATIVE OR STATE ACTION

The Wisconsin Legislature should approve action promoting public health and safety, through an improved alcohol environment. Legislative action is recommended to restore local authority and policies that have been eroded over time. Also, licensure fees must be restored to a level needed to support the local regulatory responsibilities.

MUNICIPAL ACTION

The primary responsibility for alcohol licensure and control falls on local governments in Wisconsin. Municipalities can improve the alcohol environment through adoption and implementation of evidence-based practices. ACE recommends specific changes in municipal policy that are proven to reduce alcohol misuse

EDUCATORS OR EDUCATIONAL INSTITUTIONS

Wisconsin's public and private schools, colleges and universities are the heart of Wisconsin's communities and key to future economic growth. These recommendations recognize the unique leadership role of educators. Broad-based community involvement in school efforts to reduce alcohol abuse by youth and young adults will create stronger, engaged communities and schools.

COMMUNITY GROUPS AND ORGANIZATIONS

The practices and policies of community groups are barometers of community norms. In some cases, an organization's long-standing alcohol policies unintentionally contribute to community alcohol problems even as these groups dedicate themselves to community improvement. When civic groups and faith communities review and adopt policies to discourage alcohol misuse, they improve the quality of community life and make a significant contribution to improving Wisconsin's alcohol culture.

EMPLOYERS

Individual alcohol use is influenced by employers' expectations as well as the community alcohol environment.⁹ Alcohol related problems impact worker productivity, workplace safety and, health care costs. The complex legal and health implications of the workplace alcohol environment suggest a need for alcohol policy and workplace work group composed of employers and employee representatives charged with developing private and public sector policies and practices.

Final Report Recommendations

Introduction



For nine months, the Alcohol, Culture and Environment (ACE) work group of the Wisconsin State Council on Alcohol and Other Drug Abuse Prevention Committee has examined the elements contributing to what many call the state's culture of alcohol or alcohol environment. While there is a widespread perception that the culture of alcohol contributes to injury, death and disease – there is no consensus in regards to how the alcohol culture developed or the factors that contributed to its development.

The ACE work group focused on the aspects of our alcohol environment that can be changed to exert a positive impact on Wisconsin's culture. To that end, ACE examined the public, organizational, and community policies and practices that could be changed to possibly improve the alcohol environment.

The problems associated with Wisconsin's culture of alcohol have been widely reported and discussed in the media, while a vision of a healthy alcohol environment in Wisconsin has remained unclear.

Therefore, we offer this broad vision of a healthy, vibrant Wisconsin with a balanced alcohol environment:

- All Wisconsin residents have the right to a family, community and working life protected from injury, harm and other negative consequences of alcohol misuse.
- All of Wisconsin's children have the right to grow up in an environment protected from the negative consequences of alcohol use, including overexposure to alcohol advertising.
- Wisconsin's residents have the right to complete, accurate and impartial information on the effects and consequences of alcohol use and misuse beginning at a very early age.
- Wisconsin residents who choose not to consume alcohol, for any reason, have the right to have their decision supported without judgment or pressure to consume alcohol.
- All Wisconsin residents experiencing the effects of dangerous drinking or alcohol abuse should have access to treatment and care.^a

Wisconsin's alcohol environment has evolved over time, community by community. Wisconsin residents are largely unaware of the significant power communities have over their alcohol environment. Since alcohol is regulated and controlled locally, changes must occur incrementally in each community. Local alcohol control gives individual citizens a significant amount of responsibility for control of the local alcohol environment.

Wisconsin's elected and appointed officials have the responsibility and authority to regulate the community alcohol environment, but often lack the information and support needed to understand the legal and municipal issues of alcohol policy. Elected and local officials need an ongoing independent source of information and training on alcohol policy with the tools for municipalities to create a moderate alcohol environment and police protocols that remediate alcohol related problems economically and without disruption to the community at large.

There is no single cause or remedy for Wisconsin's alcohol-related problems. Action by both the Wisconsin Legislature and municipal government is needed to successfully make the changes that will improve the state's alcohol environment. The 49 unanimous recommendations included in this report begin with legislative support for actions which enable municipalities and communities to create a positive alcohol environment. Recommendations are categorized by the organization responsible for implementing the recommendation. Every level of government and community institution has a role in reforming our culture of alcohol.

^a Modeled upon the Ethical Principals and Goals of the European Charter on Alcohol, adopted December 1995.

Final Report Recommendations

Recommendations Requiring Legislative or State Action



The Wisconsin Legislature should approve action promoting public health and safety, through an improved alcohol environment.

Legislative action is recommended to restore local authority and policies that have been eroded over

time. Also, licensure fees must be restored to a level needed to support the local regulatory responsibilities.

1. Wisconsin statutes should be amended to allow sobriety checkpoints.
2. Municipalities should be given the authority to ban the sale of specific alcohol products within their communities.
3. Municipalities should be given the authority to limit operator's licenses to individuals within the municipality age 21 or older.
4. The 21 Minimum Legal Drinking Age (MLDA) has effectively reduced youth access to alcohol and traffic fatalities among young adults. This effective public policy should not be repealed or amended.
5. Wisconsin's statutes should be amended to prohibit parents, guardians and spouses over age 21 from purchasing alcohol in Class B establishments for their underage children or wards, while allowing parents and guardians to provide alcohol to their own children within the privacy of their home.
6. The ACE work group recognizes the important role the Operating While Intoxicated (OWI) laws play in shaping public attitude and behavior. The degree of societal tolerance is reflected in the laws that prohibit and punish drunk driving.

In 1997, Wisconsin Act 237 established January 1, 1989 as the date from which all alcohol related offenses are counted for purposes of determining offender status under Wis. Stat. § 343.307 and appropriate penalty exposure under § 346.65.

In 2009, after experiencing the effects of having a 20-year look-back period, Wisconsin enacted 2007 Wis. Act 111. This Act created three new felony classifications to differentiate among the burgeoning number of repeat OWI offenders.^b

The ACE work group recommends the following revisions to the current legal structure:

- The look-back period for counting purposes under § 343.307 shall be narrowed to a ten-year window from the time of the current offense. DMV records shall continue to reflect all convictions, revocations and suspensions as of January 1, 1989.
- The look-back period in felony cases of homicide by intoxicated use under § 940.09 and great bodily harm by intoxicated use under § 940.25 shall remain January 1, 1989.
- OWI Offenses under § 346.63(1) shall be punishable under § 346.65(2)(am) as follows:
 - o First offense will be a misdemeanor subject to a fine of not less than \$500 nor more than \$1,000.^c Not less than 48 hours in jail nor more than 6 months.
 - o Second offense will be subject to a fine of not less than \$1,000 nor more than \$2,400, and imprisonment for not less than 30 days nor more than 1 year in the county jail.^d
 - o Third offense will be a felony violation, subject to a fine of not less than \$1,000 and imprisonment for not less than 1 year nor more than 10 years in prison.

^b Fifth and sixth OWI = Class H felony: fine not to exceed \$10,000, imprisonment not to exceed six years or both. Seventh, eighth and ninth = Class G felony: fine not to exceed \$25,000, imprisonment not to exceed 10 years or both. Tenth and subsequent = Class F felony: fine not to exceed \$25,000, imprisonment not to exceed 12 years and six months or both. Effective April 2, 2008.

^c This is an increase from the current second offense penalties of a fine not more than \$350 nor more than \$1,100 and imprisonment for not less than five days nor more than six months.

^d This increases the forfeiture amount from not less than \$150 nor more than \$300.

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- o Incarcerated felony offenders shall have access to evidence-based AODA treatment prior to release and shall have an aftercare plan in place for extended supervision.
 - “Code Red” will be implemented as a condition of release (bond or bail) for all OWI offenders. An offender is required to report to the designated agency twice a day, every day, and provide an alcohol-free breath test sample.
 - Homicide by intoxicated use under § 940.09 is a Class D felony unless a person has one or more prior convictions, suspensions, or revocations, as counted under s. 343.307(2), which makes the offense a Class C felony.
 - A Class D felony is subject to a fine not to exceed \$100,000, or imprisonment not to exceed 25 years, or both. A Class C felony is subject to a fine not to exceed \$100,000, or imprisonment not to exceed 40 years, or both.
 - For homicide by intoxicated use cases only, a Class D felony will be subject to a fine not less than \$1,750 nor more than \$100,000, or imprisonment not less than 12.5 years nor more than 25 years, or both.
 - For homicide by intoxicated use cases only, a Class C felony will be subject to a fine not less than \$2,000 nor more than \$100,000, or imprisonment not less than 20 years nor more than 40 years, or both.
 - Injury (great bodily harm) by intoxicated use under § 940.25 is a Class F felony subject to a fine not to exceed \$25,000, or imprisonment not to exceed 12 years and 6 months, or both.
 - For great bodily harm by intoxicated use cases only, a Class F felony shall be subject to a fine not less than \$1,000 nor more than \$25,000, or imprisonment not less than 6 years and 3 months nor more than 12 years and 6 months, or both.
7. Current police protocols for absolute sobriety requirements for underage drivers may be resulting in under enforcement of this important measure. ACE recommends creation and support for a procedure that handles absolute sobriety violations differently than under the current status quo. We recommend absolute sobriety violations with blood alcohol less than .08 be entered on the citation and the youth released to a responsible adult, without the transport and processing required of an adult charged with OWI. This method preserves severity and corresponding penalties of this offense, maintains public safety and allows law enforcement to process the violation and quickly return to duty.
8. Wisconsin statutes should be amended to require all individuals who pour, serve or mix alcohol to take responsible beverage server (RBS) classes regardless of individual licensure.
9. The Department of Revenue should require that the following content be included in online classes for Responsible Beverage Servers:
- Photos or videos of role playing servers refusing to serve intoxicated individuals, underage individuals or pregnant women.
 - Information about gender differences in metabolizing alcohol.
 - Information on the effect of alcohol on the fetus, particularly brain development, during pregnancy.
10. Managers’ training approved for use in Wisconsin should require a higher level of responsibility than beverage server training; specifically, how to supervise serving staff to receive a managers’ license.
11. Wisconsin statutes should be amended to require licensed operators to be age 21 or older.
12. Wisconsin statutes should be amended to increase the allowable fee of Temporary Class “B” picnic licenses to \$25 or more.
13. Wisconsin Statutes Section 85.55 should be amended to expand the number of alternative patron/customer transportation programs eligible for funding collected from the OWI surcharge.

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14. The Wisconsin Law Enforcement Standards Board should create law enforcement and certification standards for a new category, Alcohol Compliance and Education officers, with the required curriculum including information on Wisconsin's alcohol related problems and alcohol protocols that have been determined to be effective.
15. Wisconsin's occupational tax rates on alcohol (commonly called alcohol excise taxes) should be increased to the national average for each category of alcohol beverage and indexed to the Consumer Price Index with increased revenues earmarked for alcohol related enforcement, adjudication, treatment and evidence-based prevention activities.
16. Administrative or legislative action should be taken to increase the alcohol occupational taxes to an amount equal to Wisconsin's minimum mark-up if the required level of mark-up is repealed or reduced.
17. Wisconsin should double the minimum and maximum amounts municipalities may charge for alcohol licenses (from \$50 - \$500 to \$100 - \$1,000) and increase Class B Permit fees to \$100 minimum and \$200 maximum.
18. Administrative or legislative action should be taken to assure that underage drinking offenses enumerated in 125.07 (4) (b) are treated sequentially, without regard to location. This should include offenses incurred across jurisdictions and out-of-state beginning with the first offense until age 21.
19. Wisconsin, through the Department of Health Services or another designated agency, should undertake a long-term media campaign outlining adult responsibilities and liability exposure that may occur as a result of purchasing, providing or pouring alcohol for underage individuals other than their own child or spouse. This campaign could be conducted in coordination with the statewide effort, Parents Who Host Lose the Most: Don't Be a Party to Teenage Drinking, which has shown great promise, or similar efforts to reduce youth access to alcohol.
20. Wisconsin should establish a statewide goal of 80% licensed retail compliance with minimum legal drinking age laws and support local alcohol age compliance checks. State support should come in the form of coordinated federal and state funding streams for law enforcement overtime, equipment purchases and civilian support services. These services should include training, recruiting youths, media and data analysis, in anticipation of Federal action linking state compliance rates and federal block grant funds.¹⁰
21. Wisconsin statutes should be amended to extend §125.075 to cover any underage person who is provided alcohol and then suffers great bodily harm or death due to that consumption, closing the current gap in state law. (Underage person is substituted for "minor" and is defined in §125.02(20m) as a person who has not attained the legal drinking age.)

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Recommendations Requiring Municipal Action



The primary responsibility for alcohol licensure and control falls on local governments in Wisconsin. Municipalities can improve the alcohol environment through adoption and implementation of evidence-based practices. ACE

recommends these specific changes in municipal policy that are proven to reduce alcohol misuse:

1. The sale of alcohol and gasoline at the same location is incompatible and continues to pose a serious threat to public safety. Municipalities should cease to issue and, when appropriate, revoke or decline to renew alcohol licenses to establishments that sell gasoline.
2. Municipalities should adopt procedural guidelines and policies to govern all local deliberations and decisions on whether to issue, renew or revoke licenses to sell or serve alcohol (see example in Appendix 1).
3. Municipalities should consider using detailed license conditions, appended to pending alcohol licenses and renewals, to address specific concerns about the operation of the establishment and neighborhood concerns such as traffic, noise or sidewalk congestion (see example in Appendix 2).
4. Municipalities should regulate alcohol tasting in Class A establishments. The scope of regulations should include:
 - Cordoned, attended sampling area,
 - Require ID check limiting sampling to persons age 21 and older,
 - Locating the sampling area away from child-oriented products,
 - Require alcohol advertising for tastings to be at least 36 inches off the floor,
 - Presence of licensed operator within the sampling area.
5. Municipalities should adopt an ordinance establishing significant forfeitures for adults who provide a safe haven for underage drinking, pour or provide alcohol for three or more nonrelated youth on their property (see example in Appendix 3).
6. Law enforcement agencies should establish ongoing liaison with the owners and managers of rental property to prevent party or nuisance houses. These individuals should also establish a protocol for securing and dispersing unruly gatherings and evicting tenants in violation of the lease as a result of alcohol related problems.
7. Municipalities individually, or as part of a multi-jurisdictional task force, should operate well publicized saturation patrols to discourage drunk driving.
8. Municipalities should append the following conditions to all Class “B” Temporary [picnic] licenses (beer gardens, festivals, etc.) to reduce alcohol related injuries, disturbances and prevent underage drinking:
 - Create a secure perimeter around the licensed area with a double fence (with a minimum 7 foot gap), a single entrance and photo ID check,
 - Use wrist bands and hand stamps in rotating patterns to identify customers age 21 and older for alcohol purchase,
 - Require a Blood Alcohol Content (BAC) not greater than 0.04 and ban alcohol consumption while serving and mandate that alcohol RBS or local RBS alternative training be completed by all servers,
 - Mandate a minimum of one licensed bartender (operator) on site whenever alcohol is sold or served,
 - Allow only 12 oz (or smaller) clear or opaque cups with sale limited to two cups per purchase,
 - Stop serving alcohol one hour before closing the area,

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Recommendations Requiring Municipal Action—*con't.*



- Require vendors to offer food or allow food purchased from vendors into the licensed area,
 - Nonalcoholic drinks be priced less than alcohol beverages,
 - No one under age 21 will be served alcohol even when accompanied by a parent, guardian or spouse of legal drinking age.
- If additional security is required, municipalities may consider the following:
- Search all bags and backpacks of individuals entering the licensed alcohol area for alcohol and other contraband,
 - Make toilet facilities available within the secure perimeter.
9. Municipalities should limit alcohol advertising to prevent youth overexposure to alcohol advertising. Municipalities should consider:
- A ban on alcohol advertising within 500 feet of a school, church or park,^{11,12}
 - Banning single serving alcohol products where possible,
 - Banning alcohol advertising on public property,
 - Limiting alcohol banners over streets,
 - Establishing rules for tastings,
 - Limiting the portion of a window that can be covered in advertising viewable from the exterior,
 - Raising alcohol displays to above 36 inches from the floor.¹³
10. Municipalities should adopt ordinances prohibiting those who sell or serve alcohol from drinking while on duty or having a BAC above a 0.04 while working (commonly called sober server ordinances).
11. Municipalities should adopt ordinances banning the use of beer bong and similar devices in addition to competitions and games designed to force the rapid consumption of alcohol in licensed establishments.
12. Municipalities should establish ongoing, comprehensive alcohol age compliance checks for both on and off premise licensees with citations issued to vendors and/or employees for noncompliance.
13. Municipalities should adopt ordinances placing significant restrictions on the sale of alcohol at public events including:
- Prohibiting alcohol sales at youth events and youth oriented events such as interscholastic sports or children's entertainment,
 - Mandated on or off-duty officers retained for security, wrist bands and hand stamp to confirm security and the diligent monitoring for intoxicated/ incapacitated persons,
 - Non-alcohol beverages that cost less than alcohol,
 - Seating within fenced and gates alcohol serving and consumption area,
 - Limiting the number of alcohol beverages one individual may purchase at a time,
 - Schedule saturation patrols to coincide with the anticipated conclusion time of the event.
14. Municipalities should prohibit consumption-based drink specials such as time limited pricing, specials which increase drink volume without increasing the price and all-you-can-drink flat fee specials.
15. Municipalities should adopt beer keg registration ordinances as an effective tool to apprehend adults who provide alcohol to underage youth and to deter such purchases in the future (see example in Appendix 4).

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Recommendations Implemented by Educators or Educational Institutions



Wisconsin's public and private schools, colleges and universities are the heart of Wisconsin's communities and key to future economic growth. These recommendations recognize the unique leadership role of educators.

Broad-based community involvement in school efforts to reduce alcohol abuse

by youth and young adults will create stronger, engaged communities and schools.

1. Youth participation in co-curricular activities is a privilege, not a right. Wisconsin educators and youth would benefit from the adoption and consistent enforcement of a single statewide Code of Conduct for co-curricular activities. Each school district has the right to restrict participation in co-curricular activities for rule violations across conferences with the goal of a statewide, consistently enforced code.
2. Violations of a student or athletic code of conduct should be entered into the student's permanent record. Disciplinary actions should carry over between academic sessions and observed by all public and private schools.
3. Schools should be strongly encouraged to conduct the Youth Risk Behavior Survey (YRBS) to provide an accurate local measure of youth alcohol and other drug use.
4. Wisconsin school principals, athletic directors, and guidance counselors, should be required to attend Drug Impairment Training for Educational Professionals (DITEP) every three years and become familiar with local referral networks.
5. Both public and private schools should implement long-term evidence-based practices and programs to prevent and reduce underage drinking. These efforts should be renewed through scheduled booster sessions and reinforce the communities' overall prevention goals. Schools should work with the community to ensure the necessary services are in place so that students in need of alcohol related services can be referred to the appropriate provider.¹⁴
6. Schools should provide parents with information on the hazards of underage drinking and alcohol initiation as part of parenting education sessions, helping parents define their own guidelines for alcohol use and prevention of misuse.
7. Wisconsin's colleges, universities, and the municipalities where they are located, should take steps to create an environment that discourages underage and high risk drinking. This should include adopting the policies and practices endorsed by the Task Force on College Drinking of the National Advisory Council of the National Institute on Alcohol Abuse and Alcoholism (NIAAA).

We further recommend that measurable standards documenting the implementation of the NIAAA recommendations be a measure of performance for campus leaders.

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Recommendations for Community Groups and Organizations



The practices and policies of community groups are barometers of community norms. In some cases, an organization's long-standing alcohol policies unintentionally contribute to community alcohol problems even as these groups dedicate them-

selves to community improvement. When civic groups and faith communities review and adopt policies to discourage alcohol misuse, they improve the quality of community life and make a significant contribution to improving Wisconsin's alcohol culture.

1. Wisconsin's civic and service groups should support the efforts of community coalitions working to improve alcohol environment to make the community a more desirable place to live, work and do business. Further, service and civic groups should adopt and implement policies and practices that reduce underage drinking and excessive drinking leading to intoxication.
2. Civic groups should demonstrate responsible alcohol policy and practices by adopting the following guidelines for their own alcohol sales, including:
 - Alcohol must not be served to anyone under age 21, without exception, at group events,
 - Alcohol must not be sold at youth oriented events,
 - When alcohol is sold as part of fundraising events, groups should voluntarily adopt the recommended serving conditions for Temporary Class "B" picnic licenses.
3. While each religious tradition must define its own ministry of prevention, we recommend the following for serious consideration and implementation:
 - Local faith communities should adopt alcohol policies meeting the same standards recommended for Class "B" Temporary permits:
 - o Create a secure perimeter around the licensed area with a double fence (with a minimum 7 foot gap), a single entrance and photo ID check,
 - o Use wrist bands and hand stamps in rotating patterns to identify age 21 and older customers for alcohol purchase,
 - o Require a BAC less than or equal to 0.04 and ban alcohol consumption while serving and require alcohol RBS or local RBS alternative training required for all servers,
 - o Mandate a minimum of one licensed bartender (operator) on site whenever alcohol is sold or served,
 - o Allow only 12 oz (or smaller) clear or opaque cups with sale limited to two cups per purchase,
 - o Stop serving alcohol one hour before closing the area,
 - o Require vendors to offer food or allow food purchased from vendors into the licensed area,
 - o Nonalcoholic drinks must cost less than alcohol beverages,
 - o No one under age 21 should be served alcohol.

continued

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Recommendations for Community Groups and Organizations



- Other than as part of a religious service, require all groups, including private events held by parishioners on church property, to abide by rules for alcohol service including:
 - o Adult monitoring of the alcohol supply at the event,
 - o Alcohol should not be given to underage persons by caterers or other serving staff,
 - o ID check should be required by service staff to everyone appearing to be age 30 or less.
- Provide parents with information on the hazards of underage drinking and alcohol initiation as part of parenting education sessions, helping parents define their own guidelines for alcohol use and prevention of misuse.
- Each congregation or faith community should support interfaith and community efforts to reduce youth access to alcohol and young adult binge drinking through community coalitions and campus-community coalitions.
- Prohibit adults from consuming alcohol while supervising or chaperoning youth events or consuming alcohol prior to attending the event.
- Establish and publicize a policy of respect and simple acceptance for those who request non-alcoholic beverages; providing nonalcoholic beverages at all events for those who choose not to consume alcohol for any reason.

Final Report Recommendations

Recommendations for Employers



Individual alcohol use is influenced by employers' expectations as well as the community alcohol environment.¹⁵ Alcohol related problems impact worker productivity, workplace safety and, health care costs. The complex

legal and health implications of the workplace alcohol environment suggest a need for alcohol policy and workplace work group composed of employers and employee representatives charged with developing private and public sector policies and practices.

1. While implementing Smoke-Free Wisconsin 2010 requirements, we recommend employers evaluate or reevaluate their workplace alcohol environment. Employers should consider whether official policy, sanctioned activities or common practice creates an environment that condones or contributes to alcohol misuse or exerts pressure to drink on those who wish to abstain from alcohol use for any reason. We make this recommendation to all employers regardless of whether drug-free workplace laws or regulations apply.
2. Wisconsin's employers can support a productive workforce, lower the social and financial burden of alcohol misuse and guide the development of an educated and productive workforce by:
 - Asking supervisors to model appropriate alcohol use,
 - Prohibit serving alcohol to anyone under the age of 21 at company events and provide a variety of nonalcoholic beverage choices,
 - Amend company personnel policies to suggest respect for those who chose not to drink alcohol for any reason,
 - Adopt policy requiring absolute sobriety for employees during business hours,
 - Include Screening, Brief Intervention and Referral to Treatment (SBIRT) in employee health packages,¹⁶
 - Provide SBIRT screening through on-site medical staff or as part of regular screening for a wide range of conditions,
 - Provide follow-up services as part of the employee assistance program for alcohol abuse to reduce the likelihood of relapse.
3. We recommend the Wisconsin State Council on Alcohol and Other Drug Abuse (SCAODA) convene a workgroup including different categories of manufacturing and service sector employers, organized labor, workplace safety experts, labor lawyers and industrial health care professionals. This group should review policies and practices that impact the workplace alcohol environment including the use of portable breath testing equipment. For example, all stakeholder groups may want to consider the use of portable breath testing equipment in similar ways to urine drug screens for illicit drugs of abuse (e.g., random alcohol breath tests) among all employees.

Conclusion

Wisconsin's framework for alcohol policy was established fifty years before research demonstrated that public policy and community practices have the ability to prevent and reduce illegal, inappropriate and dangerous alcohol use without significant impact on moderate drinkers over age 21. As a result, Wisconsin must adopt strategies at the private, community, municipal and state levels in an effort to make alcohol less acceptable, available, attractive and affordable to vulnerable populations. These recommendations provide a portfolio of effective strategies for the leaders and communities creating a safer, healthier future in Wisconsin.

Acknowledgements

The members of the ACE workgroup are grateful for the many municipalities, law enforcement agencies, community coalitions, and individuals who provided copies of public and private policies intended to reduce alcohol related harm in their communities. The following examples are provided to foster community discussion and do not represent the full range of potential options.

Appendix 1: City of Fitchburg Policy Guidelines for Alcohol Beverage Licenses

Appendix 2: License Condition Adopted by the City of Racine

Appendix 3: Social Host Ordinance Adopted by City of Manitowoc

Appendix 4: La Crosse Keg Registration Ordinance.

Appendix 1: City of Fitchburg Policy Guidelines Alcohol Beverage Licenses

Intent As it is the responsibility of the Public Safety & Human Services Committee (“Committee”) of the Fitchburg Common Council to screen applications for alcohol beverage licenses within the City of Fitchburg under the licensing authority granted by Chapter 125 of the Wisconsin Statutes and Chapter 11 of the Fitchburg Ordinances, the Committee adopts the following guidelines in order to specify the reasons for denying, non-renewing or revoking an alcohol beverage license. If a decision is made to deny, revoke, suspend or non-renew a license, the committee is required to provide that person with a written reason for the denial. These guidelines are adopted to meet that requirement.

Please note: If the Police Department recommends denial, revocation, suspension, or nonrenewal of a license, both that person and the employer are notified in writing of the recommendation and are provided the opportunity to meet with the Public Safety and Human Services Committee to discuss the denial. If the Public Safety and Human Services Committee denies, revokes, suspends or does not renew a license, both that person and the employer will be notified, in writing, of the denial and the guideline that was used as reason for denial.

The following guidelines are established by the Committee to provide a framework for which persons are eligible for issuance of an alcohol beverage license (i.e. grounds for denial) and a framework for suspension, revocation or non-renewal. **There is broad discretion retained on behalf of the Committee to consider each case on an individual basis. Deviation from the guidelines may be allowed if mitigating circumstances exist, which may include, but are not limited to, the particular circumstances documented or the length of time that has expired since the offense.**

Since alcohol beverage license holders must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintaining the safety of the community, individuals with a past history of negative or uncooperative contacts with police agencies should be scrutinized; provided, however, that the Committee shall not discriminate against such applicants based on a prior arrest or conviction record, pursuant to Wis. Stat. § 111.321, 111.322, 111.335 and 125.12(1)(b), unless said arrest or conviction record substantially relates to the circumstances of the particular licensed activity.

It is with these goals in mind, as well, that these guidelines are adopted.

For purposes of these guidelines, an “alcohol beverage license,” “license” or “permit” constitutes a retail license or an operator’s license. Additionally, the definition of “person” shall be as defined in Chapter 11 of the Fitchburg Ordinances. Therefore, these guidelines also apply to corporations, limited liability companies, agents, and partnerships. A corporation or limited liability company with an arrest or conviction record may be issued a license if the corporation or limited liability company has terminated its relationship with all the individuals whose actions directly contributed to the conviction [Sec. 125.04(5)(C)].

Furthermore, to the extent Wis. Stat. Ch. 125 or Fitchburg Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Committee may also rely on such provisions.

The Committee will only deny renewal of, suspend or revoke a current alcohol beverage license under these guidelines, or other justification provided by law, if the person committed an offense substantially related to the licensed activity within the license year period immediately preceding the year for which the person is seeking renewal or within the license year period in which suspension or revocation is sought, unless the police chief demonstrates that previous offenses were not considered in the approval of the current license. In the event the person is considered for non-renewal, suspension or revocation as the result of such an offense, the Committee shall consider all offenses, regardless of when they occurred, to determine application of these guidelines.

Appendix 1: *(continued)*

City of Fitchburg Policy Guidelines Alcohol Beverage Licenses

Additionally, with respect to a non-natural person, such person's license may be revoked, suspended or non-renewed in the event a new officer, director, member, or manager, is named and such person does not qualify under these guidelines; with the exception that a corporation or limited liability company may retain its license if it terminates its relationship with all the individuals whose actions directly contributed to the conviction. With respect to successor agents, see Wis. Stat. § 125.04(6). Notwithstanding the above, the following violations may not be used as grounds for suspension, revocation or non-renewal of an existing license:

1. Furnishing alcohol beverages to underage persons unless the licensee has committed two (2) violations within a one (1) year period), or 2. Violations punishable under Wis. Stat. § 945.03(2m), 945.04(2m) or 945.05(1m) (relating to commercial gambling and gambling devices).

A copy of these guidelines shall be provided to each person who applies for a license.

GUIDELINES

Guideline 1. Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of any felony, unless duly pardoned, does not qualify for an alcohol beverage license. (To the extent the other guidelines reference a specific offense, this guideline shall apply if the offense constitutes a felony.)

Guideline 2. Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, or has a current charge pending, for two (2) or more offenses, **arising out of separate incidents**, within the last ten (10) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Violent crimes against the person of another, including but not limited to homicide, aggravated battery, sexual assault, injury by negligent use of a weapon, injury by negligent use of a vehicle, or injury by intoxicated use of a vehicle.
- (b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, obstructing a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, bomb scares, or acts or threats of terrorism.
- (c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; possessing with intent to manufacture, distribute or deliver, a controlled substance or a controlled substance analog.

Guideline 3. Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, or has a current charge pending, for two (2) or more offenses, **arising out of separate incidents**, within the last three (3) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
- (b) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Fitchburg Ordinance Ch. 11 - excluding administrative violations such as "failure to post license under glass") **(furnishing alcohol beverages to underage persons shall not be used as grounds for suspension, revocation, or non-renewal of an existing license unless the licensee has committed two (2) violations within a one (1) year period).**

Appendix 1: (continued)

City of Fitchburg Policy Guidelines Alcohol Beverage Licenses

- (c) Perjury or false swearing, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
- (d) Possessing a controlled substance, controlled substance analog or drug paraphernalia.
- (e) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (f) Operating a motor vehicle with a BAC in excess of .08% by weight.
- (g) Open intoxicants in public places or in a motor vehicle.

Guideline 4. Provided the offenses are **substantially related to the circumstances of the licensed activity**, any person who is an habitual law offender does not qualify for an alcohol beverage license. To constitute a habitual law offender there need not have been a trial or conviction for each or any offense. What is required is that the offenses were committed, that the law has been violated, and that the fact of such violations can be shown. See *Smith v. City of Oak Creek*, 139 Wis. 2d 788 (1987). For purposes of these guidelines, an habitual offender includes, but is not limited to a person who has committed:

- (a) Two (2) or more offenses, each a separate incident, within the immediately preceding six (6) months.
- (b) Three (3) or more offenses, each a separate incident, within the immediately preceding two (2) years.
- (c) Six (6) or more offenses, each a separate incident, within the preceding ten (10) years.

In the case of a person applying for, or possessing, a retail license, an habitual law offender, or habitually troublesome license holder, shall include, but not be limited to persons who have accumulated more than 100 points, in at least two (2) separate incidents, in the immediately preceding year for violations set forth under 11.15(4) of the Fitchburg Ordinances.

Guideline 5. In addition to the other provisions under these guidelines, pursuant to Wis. Stat § 125.12, a person's alcohol beverage license may be denied, non-renewed, suspended or revoked if the person:

- (a) Keeps or maintains a disorderly or riotous, indecent or improper house.
- (b) Sold or has given away alcohol beverages to known habitual drunkards.
- (c) Does not possess the qualifications under Chapter 11 of Fitchburg Ordinances to hold a license.

Guideline 6. Any person who materially falsifies an application for an alcohol beverage license will not be eligible to re-apply for an alcohol beverage license for a period of six (6) months from the **date of denial** of such application. The Committee may waive the provisions of this paragraph, allow the applicant to submit a corrected application, with the appropriate fee, and grant an alcohol beverage license to the person, if it appears to the Committee that any falsifications on the application were the result of inadvertence, excusable neglect, or mistake.

Severability. If any section, subsection, sentence or phrase of this Policy is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase.

Conflict. Any conflict between Wis. Stat. Ch. 125, Fitchburg Ordinance Ch. 11 and this policy shall be decided on the order of precedence which shall be the order listed in this sentence.

This policy will go into effect on the 25th day of November, 2003.

Appendix 2: Conditional Use Agreement

WHEREAS Constantin Tousis, agent for TTDH, nc, d/b/a Better Day BP desires to acquire a “Class B” fermented malt beverage and intoxicating liquor license for 2100 Douglas Avenue, Pacine, Wisconsin; and

WHEREAS, the Public Safety and Licensin Stautes, for the public safety and welfare of the neighborhood where Better Day BP is located.

NOW, THEREFORE, it is agreed by and between Constantin Tousis and the Public Safety and Licensing Committee, as follows:

1. The Public Saftey and Licinsing Committee will recommend to the Common Councilthat Constatin Tousis be issued a “Class B” fermented malt beverage and intoxicating liquor license, on the follwing conditions:
 - (a) That neither Constantin Tousis or any officer, agent, official or employee of TTDH, Inc. d/b/a Better Day BP will sell any single containers (i.e., individual cans or bottles) of fermented malt beverages to any customer at any time in the convenience store area, and will only sell individual mixed drinks and/or individual bottles of beer and/or individual glasses or bottles of wine to customers seated in the restaurant area of said premisies.
 - (b) That no pakaged intoxicating liquors will be sold for on or off-site consumption.
2. Any violation of the consitions set out above shall be grounds for revocation and/or non-renewal.

Appendix 3: Manitowoc Social Host Ordinance

ORDINANCE

An Ordinance to create Section 14.07 of the City of Manitowoc Municipal Code regulating underage possession and consumption of alcohol at private residences located in the City of Manitowoc.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

SECTION 1. Section 14.07 is created to read as follows:

“(1) Purpose and Findings. The Common Council of the City of Manitowoc intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Common Council of the City of Manitowoc finds:

- (a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- (b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol related traffic collisions.
- (c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (d) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.
- (e) A deterrent effect will be created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.

(2) Definitions. For purposes of this chapter, the following terms have the following meanings:

- (a) Alcohol.** “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- (b) Alcoholic Beverage.** “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (c) Event or Gathering.** “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (d) Host or Allow.** “Host” or “allow” means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.
- (e) Parent.** “Parent” means any person having legal custody of a juvenile:
 - (1) As natural, adoptive parent or step-parent;
 - (2) As a legal guardian; or
 - (3) As a person to whom legal custody has been given by order of the Court.

Appendix 3: *(continued)* Manitowoc Social Host Ordinance

(f) Residence, Premises or Public or Private Property. “Residence”, “premises”, or “public or private property” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.

(g) Underage Person. “Underage person” is any individual under twenty-one (21) years of age.

(h) Present. Being at hand or in attendance.

(i) In Control. The power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

SECTION 2. Prohibited Acts. It is unlawful for any person(s) to: host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages are present when the person knows 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 the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(a) A person is responsible for violating (A) above if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.

(b) A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible.

SECTION 3. Exceptions. This chapter does not apply to conduct solely between an underage person and his or her parents while the parent is present and in control of the underage person.

(a) This chapter does not apply to legally protected religious observances.

(b) This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

SECTION 4. Penalties. A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$1,000 nor more than \$5,000, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture and costs are paid.”

SECTION 5 . This Ordinance shall take effect the day after publication.

*This instrument drafted by Kathleen M. McDaniel
Assistant City Attorney*

Appendix 4: La Crosse Beer Keg Registration Ordinance

KEG REGISTRATION

- (1) Definitions. For the purpose of this subsection the following definitions shall apply:
 - (a) “Keg” means any container capable of holding four gallons or more of beer, which is designed to dispense fermented malt beverages (beer) directly from the container for purposes of consumption.
 - (b) “Registration-seal” means any document, stamped declaration, seal, decal, sticker or device approved by the City Police Department, which is designed to be affixed to kegs, and which displays a registration number and such other information as may be prescribed by the City Police Department.
- (2) Registration-Seal Requirement. No retail licensee of fermented malt beverages may sell fermented malt beverages in a keg without having registered the sale, on a form provided for by the city Police Department, and affixing a registration seal on the keg at the time of the sale.
- (3) Registration–Declaration. The registration-declaration shall contain the following:
 - (a) Require the purchaser of fermented malt beverages to sign a declaration and receipt for the keg or other container in substantially the form provided for in Paragraph (3)(c) of this ordinance.
 - (b) Require the purchaser to provide two pieces of identification.
 - (c) Require the purchaser to sign a statement on the declaration that:
 - (i) The purchaser is of legal age to purchase, possess, or use fermented malt beverages.
 - (ii) The purchaser will not allow any person, under the age of twenty-one (21) years, unless authorized by State law, to consume the beverage.
 - (iii) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under this ordinance to be affixed to the container.
 - (d) Require the purchaser to provide their name and address.
 - (e) Such other information as may be required by the City Police Department.
- (4) Keg Return-Procedure to be followed by Licensee. When a registered keg is returned to the licensee, the registration seal shall be removed or obliterated and note of such action shall be made on the registration records of the licensee.
- (5) Seizure or forfeiture of keg. If a person is in possession of a keg used for or containing beer in violation of this ordinance, then the keg and its contents shall be subject to seizure by the City of La Crosse Police Department.
- (6) Responsibility to Maintain Records. All licensees of fermented malt beverages shall maintain a complete and accurate record of all registration forms and other documentation of the sale of kegs at the place of business selling kegs for a period of not less than two (2) years. Such records regarding keg sales shall be open to inspection by the City Police Department at reasonable times.
- (7) Limitation on Number of Kegs and Gallons of fermented Malt beverages.
 - (a) No licensee shall sell to any person or any address where consumed more than the number of kegs that exceed 31 gallons of fermented malt beverages within a forty-eight (48) hour period, which kegs may contain 15.5 gallons of fermented malt beverages for a total of 31 gallons of fermented malt beverages.

- (b) This prohibition limiting the number of kegs for a total of 31 gallons per address or location shall also apply to each address or location or those addresses that are simultaneously provided for a single event if said addresses are contiguous to each other with respect to the consumption of fermented malt beverages in containers totaling more than 31 gallons. Such occupants or owners of those addresses and locations shall be subject to the penalties for violating this ordinance.
- (8) Administration of Keg Registration. The City Police Department, by its Chief of Police, or his or her designee, shall provide for the implementation of this ordinance, which is intended to prevent the misuse of alcohol consumption, as well as provide for orderly, compatible, livable neighborhoods.
- (9) That a minimum \$50 deposit is required for each keg, which will be returned to purchaser upon return of the keg.
- (10) Kegs seized by the City of La Crosse Police Department in violation of this ordinance must be registered. Unregistered kegs shall be subject to a forfeiture of not less than \$1,000 plus penalty and costs. (The ordinance shall take effect November 1, 2005, after its passage and publication.) (3rd Am. Ord. #4287 created 9/8/05)

Endnotes

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