

May 5, 2009

Members of the Common Council:

The undersigned organizations are committed to working with the City of Madison on solving the problems of chronic public inebriation and to working with the Common Council, the ALRC and the Mayor's office on finding effective solutions to the issues with alcohol facing our community

To that end, we are in full support of the City of Madison adopting an ordinance or policy that would prohibit retailers from selling alcohol beverages to chronic alcoholics. In Green Bay, such a policy has been in place for over 10 years and has been viewed as a success by that municipality's public officials and police department (A recent article is attached describing the program.) Instead of focusing on particular alcohol products, the Green Bay policy focuses on the individuals who are the public nuisances and cause of the problems that result in repeated police intervention. Moreover, by focusing on the individual chronic alcoholics, the Green Bay policy is limited in scope and does not penalize law-abiding consumers. As Madison's own Alderman Schumacher is quoted in the enclosed article on the Green Bay policy: "It's not about dealing with alcoholism as a disease. It's about mitigating unacceptable public behavior."

Unfortunately, the proposed ordinance to ban certain alcohol beverages (Legislative File No. 14171) that is before the Common Council tonight does not focus on mitigating unacceptable public behavior¹. Instead, it would implement a city-wide ban on certain alcohol products regardless of who is purchasing the products. It is an over-inclusive proposal that will affect all city residents in an attempt to get at the behavior of a group of chronic alcoholics. The proposed ordinance is inconsistent in its design and will be confusing in its implementation.

- It prohibits domestic beers but allows imports and microbrews to be sold
- It prohibits products sold by the state's largest brewery while allowing products sold by all of the other breweries in Wisconsin
- It prohibits some spiked lemonades while allowing other "wine coolers" – all dependent on the manufacturer as there is no industry standard for these flavored alcohol beverages

¹ Our objections are based on the fourth version of this ordinance that was circulated (a "third substitute" dated May 1, 2009) the day before tonight's meeting. The proposed ordinance has been substantially modified – in two separate substitute versions – since it was approved by the ALRC on April 15. Note as well that the original version of the ordinance was introduced on March 25, 2009, and has been publicly available for comment for less than 45 days.

- It prohibits sales at smaller, neighborhood grocery stores, convenience stores and downtown grocery stores but allows sales at larger, regional grocery stores and those built in locations that are more likely to require the use of a motorized vehicle
- It prohibits sales of half-pints priced at \$8.99 but allows sales of larger 750 milliliter bottles at \$5.99.
- It prohibits some wines where alcohol has been added (“fortified wine”) while allowing for the sale of such fortified wine when it is “sealed with a cork and aged two years or more.”

In sum, the proposed ordinance is a patchwork of regulation that will apply to some retailers, not all; to some sizes of containers, not all; and, to some alcohol beverages, not all. The proposed ordinance’s only consistency is in that it will limit consumer choice by all city residents.

For the reasons set forth above, we are opposed to the proposed ordinance and urge the members of the Common Council to vote against its passage tonight. Instead, we would suggest that the Common Council direct the ALRC to begin work on an ordinance or policy that directly and effectively targets the individuals responsible for our community’s problems with chronic public inebriation.

Distilled Spirits Council of the United States

Kelly Williamson Convenience Stores

Madison-Dane County Tavern League, Inc.

MillerCoors

Tavern League of Wisconsin

Wine Institute

Wisconsin Beer Distributors Association

Wisconsin Grocers Association

Wisconsin Wine and Spirit Institute

Police use list to cut alcohol problems

Businesses fined for serving, selling to habitual drunks

BY KEEGAN KYLE

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The battle against chronic alcoholics in Green Bay started more than a decade ago with a letter to liquor-licensed businesses.

"We have examined the complaints and have learned that a small amount of people account for a large amount of problems that require police intervention," the Green Bay Police Department said to area liquor retailers in 1996.

Green Bay Police asked liquor retailers 13 years ago to deny alcohol sales to alcoholics who initiated hundreds of calls with police each year. The list was part of an effort to clean up the neighborhood around Broadway Street. It now extends to the entire city.

Businesses now receive a letter every year that lists names and mug shots of people who cannot buy alcohol. The list distributed in December included 81 people who may not be legally served or sold an alcoholic drink.

"It does seem to reduce the call volumes of these people," said Lt. John Laux, a community police officer. "It just makes it more difficult for them."

Businesses caught providing alcohol to someone on the list can face a \$361 fine and be held liable for the person's actions. It also could affect the status of a merchant's liquor license.

Police said the list is legal under a Wisconsin statute that permits local governments to suspend or revoke a liquor license if a person has "sold or given away alcohol beverages to known habitual drunkards."

The Green Bay list is a way for businesses to know who police believe are habitual drunkards due to complaints and police calls.

► See Alcohol, A-2

Press-Gazette 4/26/09

Alcohol/Madison also may adopt list program

► From A-1

Most people on the list are white men over age 40. More than one-third in December were described as Native American, black or Hispanic. Nine were women.

A few people on the list contacted by phone declined to comment.

Some Madison officials are proposing a similar list that could include between 20 and 40 people. Alderman Michael Schumacher said it could be introduced to the city council in May or June.

"It's not about dealing

with alcoholism as a disease," he said.

"It's about mitigating unacceptable public behavior."

Maureen Van Horn, owner of Lucky 7's Bar & Grille, 1313 S. Broadway, said the list has helped keep problem alcoholics away. She called police when she spotted a woman on the list.

When asked to leave, most people on the list don't fight it, said Ben Smits, night manager of Badger Liquor, 1047 W. Mason St.

He said the list keeps people away, but he is

skeptical about whether it addresses the problem.

Alcoholics who are motivated find other ways to get their booze, Smits said. They ask a friend to buy a bottle or hop on the bus to a neighboring municipality where they are treated like any other customer.

The list does not prohibit people from consuming or purchasing alcohol, so Laux said members have no reason to appeal the designation. He said it's possible a business could appeal the list for a valued customer.