



## State Government and State Agencies

The Wisconsin State Legislature and Governor can approve action promoting public health and safety by ensuring a safer and improved alcohol environment. Wisconsin Statute Chapter 125 sets a framework for how alcohol is regulated in Wisconsin. It contains the laws that govern the 3-tier system for alcohol beverages production, distribution, and sales in Wisconsin. In addition, several state agencies play an important role in ensuring compliance with laws, providing information to the public, training and education to law enforcement and setting an appropriate regulatory environment

### **Recommendation 1: Map alcohol outlet density.**

*Lead implementing organizations: State of Wisconsin; Department of Revenue*

*Purpose: Reduce availability of alcohol*

Wisconsin has an excessive number of locations that sell and serve alcohol contributing to Wisconsin's high rate of heavy and binge drinking. Wisconsin is the only state where the excessive drinking rate in every county exceeds the national average. The combination of readily available low-cost alcohol has unintentionally created circumstances that enable underage drinking, excessive consumption with the injuries, violence, disease and death that follow.

For years, municipal leaders operated under the now disproven belief that increasing the number of locations that sold or served alcohol would benefit the community. Within the last decade it has become clear that clusters and areas with an overconcentration of alcohol outlets increase the likelihood of alcohol related disorder and crime even when all the licensees are obeying the law. The Centers for Disease Control and Prevention recommend limiting alcohol outlet density to reduce and prevent alcohol-related problems.

Every Wisconsin community should map alcohol outlet locations, then working with law enforcement, public health and local leaders determine which areas of the community have too many alcohol outlets and which areas have developing clusters. Municipalities should use the Centers for Disease Control and Prevention's methods that reveal outlet clusters simply and economically. Community leaders should consider enacting a moratorium on new alcohol outlets in areas with significant clusters and revise their alcohol licensing process to reduce the stress on these communities.

Given the research on alcohol outlet density and its relationship to alcohol-related disorder, crime, the number of adverse childhood experiences, and binge drinking, Wisconsin should suspend further increases in the permitted number of "Class B" licenses a municipality is allowed to issue based on population growth alone.

Alcohol outlet mapping has exposed equity issues in many communities. Related research has indicated that alcohol outlet location and even the products stocked in different branches of the same store vary with the ethnic, racial and economic makeup of each area. Municipal leaders can address these concerns with careful mapping to ameliorate clusters and thoughtful alcohol license conditions prior to licensing to include concerns about products and their marketing.

*\*cross-listed in: Local Government (Recommendation 1)*



## ***State Government and State Agencies (continued)***

### **Recommendation 2: Suspend increases in “Class B” licenses.**

*Lead implementing organizations: State of Wisconsin; Legislature; Department of Revenue; Department of Administration*

*Purpose: Increase cost of alcohol; Reduce availability*

Given the research on alcohol outlet density and its relationship to alcohol-related disorder, crime and the number of adverse childhood experiences and binge drinking, Wisconsin should suspend further increases in the permitted number of “Class B” licenses a municipality is allowed to issue based on population growth alone.

### **Recommendation 3: Increase alcohol tax.**

*Lead implementing organizations: State of Wisconsin; Legislature*

*Purpose: Increase cost of alcohol*

Wisconsin’s excessive drinking costs residents approximately \$6.8 billion annually. Binge drinking alone is estimated to cost Wisconsin’s residents \$3.9 billion annually. Alcohol taxes do not begin to cover the financial cost alcohol abuse inflicts on individuals, families and communities. The effects of price on reducing underage drinking, college drinking, and binge drinking (including drinking among youth who show signs of alcohol use disorders) are considerable. There are also significant effects on youth traffic crashes, violence on college campuses, and crime among people under 21 (SAMHSA, 2018). State Performance and Best Practices for the Prevention and Reduction of Underage Drinking. In addition, increasing taxes on alcohol is the most effective regulatory policy to reduce excessive drinking and related harms. (Tobacconomics, 2020)

Wisconsin should increase the state levied tax on beer, wine and distilled spirits to the median tax level to reduce the burden alcohol abuse places on the average citizen. Alcohol is taxed by volume, not price. In addition, alcohol taxes should be indexed to the consumer price index so that the tax increases at a rate commensurate with the increased cost of living.

Tax estimate based on Facts & Figures 2021 published by the Tax Foundations 2021. The median amount is approximately \$5.98 per gallon for spirits, \$0.87 for Wine and \$0.26 per gallon of beer or \$8.02 per 31-gallon barrel.

### **Recommendation 4: Maintain 21 as Minimum Legal Drinking Age.**

*Lead implementing organizations: State of Wisconsin; Legislature*

*Purpose: Reduce availability of alcohol*

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.

### **Recommendation 5: Fund, train, and conduct Minimum Legal Drinking Age compliance checks.**

*Lead implementing organizations: State of Wisconsin; Legislature; Department of Justice*

*Purpose: Reduce availability of alcohol; Monitor and evaluate*

Wisconsin’s rate of underage drinking is perennially above the national average. Medical research has revealed the serious long-term consequences of underage drinking including, higher rates of opiate and alcohol dependence throughout life, the causal relationship of alcohol consumption to



### ***State Government and State Agencies (continued)***

seven different cancers and the possibly permanent loss of cognitive and analytical ability. In addition, alcohol use among youth is a significant factor in accidental injuries, drownings, sexual assault and gun violence.

To combat underage drinking by reducing youth access to alcohol, Wisconsin should designate the Department of Justice, Bureau of Training and Standards as the lead agency for training regarding Wisconsin's Minimum Legal Drinking Age (MLDA) establishing clear lines of authority and accountability in future efforts to reduce the illegal sale or provision of alcohol to underage youth.

The biennial budget for the Wisconsin Department of Justice should include sufficient annual GPR for grant funding, administration, and reporting regarding alcohol age compliance checks conducted by a certified law enforcement agency with citations issued for failures to comply. These funds must be administered by a certified law enforcement agency, with regional and multi-jurisdictional efforts encouraged.

Unlike many other states, Wisconsin does not provide any state funding for alcohol age compliance checks to reduce youth access to alcohol. The failure of that policy is clear, Wisconsin is the only state in the nation where every county has an excessive drinking rate higher than the national average.

- ❖ Wisconsin should designate the Department of Justice, Bureau of Training and Standards as the lead agency for training regarding Wisconsin's Minimum Legal Drinking Age (MLDA) for the purpose of establishing clear lines of authority and accountability in all efforts to reduce the illegal sale or provision of alcohol to underage youth.
- ❖ The Wisconsin Department of Justice should distribute grant funding for officer and staffing expenses to reduce the illegal sale or provision of alcohol to underage youth through alcohol age compliance checks. These funds should be awarded annually to Sheriff Departments and local law enforcement agencies for alcohol age compliance checks conducted by a certified law enforcement agency with citations issued when appropriate.
- ❖ All licensed alcohol retailers in Wisconsin should have alcohol age compliance checks conducted by a law enforcement agency twice annually until their county achieves a failure rate of 20%, or less. When achieved, annual compliance checks are sufficient.
- ❖ Both on-premises and off-premises licensees should have compliance checks.
- ❖ Compliance checks can be conducted by local law enforcement, Sheriff Departments or regional agreements.
- ❖ The Department of Justice, Bureau of Training and Standards should develop protocols and provide training for law enforcement agencies on the primary modes of retail alcohol sale including new modes as they are allowed or occur in the future.
- ❖ The Department of Justice should prepare a report annually indicating the number of jurisdictions conducting alcohol age compliance checks, the state failure rates, and listing the individual failure rates by county.

*\*Cross-listed in: Local Government (Recommendation 5)*



## ***State Government and State Agencies (continued)***

### **Recommendation 6: Revise Wis. Stat. sec. 125.07(1)(b)1.**

*Lead implementing organizations: State of Wisconsin*

*Purpose: Enact laws and regulation*

Wis. Stat. 125.07(1) provides for enforcement of the Minimum Legal Drinking Age law against persons who provide alcohol beverages to underage persons. The penalty part of the law includes an escalating punishment scheme. While a first offense within 30 months may be only an ordinance violation, any additional offenses within 30 months are crimes, with fines and jail time increasing depending on the number of previous violations within the past 30 months. As written, the statute counts all violations by an individual at one time as a single violation, even if multiple underage people are involved. To encourage compliance with the Minimum Legal Drinking Age law and to make enforcement of the Social Host statute stronger, each violation should be counted as a prior violation for purposes of the escalating penalty scheme. The Legislature should repeal the last sentence of 125.07(1)(b)1., which currently reads: “For the purpose of determining whether a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.”

### **Recommendation 7: Repeal language allowing licensees to sell to persons under the Minimum Legal Drinking Age in presence of a parent, guardian, or spouse.**

*Lead implementing organizations: State of Wisconsin; Legislature*

*Purpose: Reduce availability of alcohol; Modify the drinking environment*

Wisconsin should repeal existing language allowing a licensee to sell alcohol to individuals younger than the minimum legal drinking age if a parent, guardian or legal aged spouse is present in WI.(125.07(1)(a).

### **Recommendation 8: Test and evaluate effectiveness of SBIRT in schools.**

*Lead implementing organizations: State of Wisconsin; Department of Public Instruction*

*Purpose: Support evidence-based alcohol education; Engage in preventive health care*

Wisconsin’s SBIRT Implementation Study indicated SBIRT is a flexible, cost effective tool for identifying youth substance abuse. Where barriers to implementation are identified, efforts should be made to resolve those issues.

Wisconsin should continue to support efforts to evaluate the value of SBIRT in schools using the Global Appraisal of Individual Needs Short Screen.

The Department of Public Instructions should support further testing and evaluation of SBIRT as part of co-curricular screening and student discipline.

### **Recommendation 9: Permit Judges to order SBIRT.**

*Lead implementing organizations: State of Wisconsin; Legislature; State Courts*

*Purpose: Enact laws and regulation, Engage in preventive health*

The State Legislature should amend Wis. Stat. sec. 125.07(4)(e)2. to permit judges to order a defendant to submit to SBIRT (Screening, Brief Intervention, and Referral to Treatment) by a healthcare provider, school, or other trained professional. The Director of State Courts should provide judges (both circuit court and municipal) with training on evidence-based or evidence-



### **State Government and State Agencies (continued)**

informed interventions for youth with underage drinking or other alcohol-related citations and encourage municipal judges to limit reductions in sanctions or dismissal to youth who participate. Local Human Services Departments should provide municipal judges with updated lists of local evidence-based or evidence-informed educational opportunities appropriate for youth with underage drinking and other alcohol-related citations.

*\*Cross-listed in: Local Government (Recommendation 12)*

#### **Recommendation 10: Require medical providers to conduct SBIRT screens.**

*Lead implementing organizations: State of Wisconsin; Office of the Commissioner of Insurance; Department of Health Services*

*Purpose: Engage in preventive health care*

Screening, Brief Intervention and Referral to Treatment (SBIRT) is an effective approach to identifying individuals with alcohol use disorders and those at risk of developing a disorder. Research suggests SBIRT and training to conduct SBIRT can be effective by video link. As a widely adopted and covered practice we recommend that both forms of SBIRT be the required standard of care in every group health insurance plan offered in Wisconsin.

We further recommend:

- ❖ SBIRT should be incorporated into the treatment of all patients with alcohol-related injuries or illness, including those seen in the ambulatory, emergency department and hospital setting.
- ❖ Patients, age 12 and older, should be screened for alcohol use annually using SBIRT when visiting their primary care health professional.
- ❖ Remote administration of SBIRT by trained medical professionals should be expanded to reach underserved communities throughout the state.
- ❖ Emergency departments should incorporate SBIRT into treatment for patients with alcohol-related injuries or illness.
- ❖ Level 3, and 4 Trauma Centers should be encouraged (as Level 1 and 2 Trauma Centers are required) to screen all injured patients with a validated tool such as the AUDIT or CRAFFT for alcohol abuse. The anonymized data can be used as a further evidence or confirmation of public health surveillance surveys such as the NSDUH and BRFSS.
- ❖ The Wisconsin Department of Health Services, in collaboration with the Wisconsin Society of Addiction Medicine, should initiate a campaign to educate medical professionals on how to administer SBIRT, where it is effective and the available resources to support it.
- ❖ The Wisconsin Department of Health Services in collaboration with health care professionals should study and report on the efficacy of low cost SBIRT training for underserved areas.

*\*Cross-listed in: Healthcare Systems (Recommendation 1)*

#### **Recommendation 11: Permit pharmacists to conduct screenings for substance use.**

*Lead implementing organizations: State of Wisconsin; Office of the Commissioner of Insurance*

*Purpose: Reduce availability of alcohol; Enact laws and regulation*

A small-scale study suggests pharmacists may be able to effectively conduct brief screening for substance abuse within the store. If confirmed by additional research, appropriate reimbursement for pharmacy-based screenings for substance abuse should be established and covered as part of the standard of care in Wisconsin.

*\*Cross-listed in: Healthcare Systems (Recommendation 3)*





### ***State Government and State Agencies (continued)***

#### **Recommendation 12: Regulate alcohol delivery.**

*Lead implementing organizations: State of Wisconsin; Legislature; Department of Revenue*

*Purpose: Reduce availability of alcohol*

Wisconsin's statutory requirement for face-to-face alcohol sales requires the retailer to interact with the customer, establish they are age 21 or older and not intoxicated. Proposals that allow for retailer delivery or third party delivery of alcohol remove this requirement and may not provide effective controls or a replacement. The experience of other states indicates allowing alcohol to be delivered increases the risk of underage drinking. It is imperative to carefully enumerate the responsibilities of all parties involved and to support local enforcement of those policies.

- ❖ The retailer and the delivery service are both separately responsible for determining that alcohol is only delivered to individuals who are age 21 or older and not intoxicated.
  - Either or both parties may be cited if IDs are not checked, or other required actions are not taken regardless of the means used to determine a violation.
  - Failure by either the retailer or delivery personnel to fulfill their responsibilities may be cited under 125.07.
  - Multiple failures by a licensee to package alcohol correctly or failing to indicate orders that contain alcohol are individual violations.
- ❖ The retailer must place a fluorescent-colored sticker, at least four inches in length or diameter that is readably visible on the exterior packaging of every box or bag containing alcohol. With the wording in all capital letters: **CONTAINS ALCOHOL: SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY.**
  - Failure to place this required sticker is a violation of the alcohol license, multiple failures may constitute cause for non-renewal, suspension or revocation.
  - A purchaser's assertion that they are age 21 or older does not absolve the retailer from other required steps.
- ❖ The delivery service is responsible for the conduct of its employees and contractors, including but not limited to requiring every delivery including alcohol must verify the age of the recipient by physically checking a government issued ID that also confirms the individual in the photo is the same person accepting delivery, the name on the credit card and ID are the same, and the individual is age 21 or older.
  - A signature following the ID check is required for every delivery with alcohol.
  - Delivery personnel must visually confirm the individual is not intoxicated.
- ❖ Packages with the fluorescent "Alcohol" sticker must be delivered to the named individual on the order. They may not be left on steps, porches or other exterior locations or otherwise unattended regardless of the instructions submitted by the customer.
  - Delivery firms and retailers may assess a reasonable fee to any order returned due to a failed ID check or failure to present an ID.

*\*Cross-listed in: Local Government (Recommendation 6); Alcohol Industry (Recommendation 1)*

#### **Recommendation 13: Amend Wis. Stat. sec. 125.32(2) and 125.68(2) to provide more effective supervision of unlicensed persons selling or serving alcohol to customers.**

*Lead implementing organizations: State of Wisconsin; Legislature; Department of Revenue*

*Purpose: Enact laws and regulations; Modify the drinking environment*

Currently, a member of a licensee's or permittee's family who is an adult under the age of 21 may be the only person supervising sales or service of alcohol beverages at a retail outlet. In addition,



### **State Government and State Agencies (continued)**

supervisory requirements are vague and not clearly defined. Two changes could address this. The first change would only affect those members of the licensee's or permittee's immediate family (living in the licensee's or permittee's home) who are adults under the age of 21. However, it would ensure consistency in requiring all licensed operators to be age 21. The second change would add a definition of "immediate supervision", using language provided by the Department of Revenue, and including language reflective of the employment conditions. This would explain what "immediate supervision" means, and provide clear guidance as to minimal qualifications for meeting the legal requirements.

Wisconsin Statutes Sections 125.32(2) (for fermented malt beverages premises) and 125.68(2) (for intoxicating liquor premises) should be amended in two ways to provide more effective supervision of unlicensed persons selling or serving alcohol to customers:

- ❖ Require members of the licensee's or permittee's immediate family to have attained the legal drinking age to be considered the holder of an operator's license; and
- ❖ Clearly define that "immediate supervision" means that the licensed operator is in the same room or area of the premises as the unlicensed person, close enough to see and talk with the unlicensed person, able to watch and supervise the unlicensed person and directly respond to the needs of the unlicensed person, and directly supervising the unlicensed person.

#### **Recommendation 14: Provide DOR with authority to require wholesalers to collect hazardous products from retailers.**

*Lead implementing organizations: State of Wisconsin; Department of Revenue*

*Purpose: Reduce availability of alcohol; Enact laws and regulation*

The state legislature should enact a statute to provide the Department of Revenue with the authority to require wholesalers to collect from retailers any alcohol products that are recalled by their producer, subject to a warning letter or enforcement action by the U.S. Food & Drug Administration (FDA), the Federal Trade Commission (FTC), or the Alcohol and Tobacco Tax and Trade Bureau (TTB), or subject to a finding of violating the Code of Responsible Practices or other voluntary standards of the alcohol industries, including, but not limited to, those of the Distilled Spirits Council of the United States, the Beer Institute, or the Wine Institute.

#### **Recommendation 15: Define and regulate the use of growlers.**

*Lead implementing organizations: State of Wisconsin; Department of Revenue*

*Purpose: Enact laws and regulation; Reduce availability of alcohol*

Wisconsin should adopt a comprehensive definition of a "growler" that includes requirements for cleaning, labelling and sealing by licensees.

A growler is a metal, plastic, glass or ceramic container holding a maximum of 128 ounces having a lid or stopper that can be secured with a tamper proof seal, to be filled with fermented malt beverages at the time of sale at Class "B" licensees for off-premises consumption.

- ❖ A growler that has been filled in advance of sale is a bottle and must meet all state and federal tax and labeling requirements.
- ❖ Retailers may sell one-time use disposable growlers or multiple use growlers that conform to the definition.
- ❖ Any fermented malt beverage may fill a customer's growler without regard for the brand or logo on the exterior of the container.



### **State Government and State Agencies (continued)**

- ❖ After filling and capping with the lid or other stopper, the licensee must place a seal that will be visibly broken or torn when the container is opened.
- ❖ Cellophane tape, even if unique to the licensee, that can be removed and reapplied, is not a tamper proof seal.
- ❖ The licensee must apply a tag or sticker that provides the name and address of the brewer for the beverage filling a growler.
- ❖ Refillable growlers must be washed by the licensee prior to filling.
- ❖ A licensee may refuse to fill any growler they cannot seal or sanitize.
- ❖ A municipality may prohibit off-premises sales of growlers.

*\*Cross-listed in: Local Government (Recommendation 21); Alcohol Industry (Recommendation 3)*

#### **Recommendation 16: Create guidance and training for enforcement of alcohol delivery.**

*Lead implementing organizations: State of Wisconsin; Department of Revenue*

*Purpose: Reduce availability of alcohol; Enact laws & regulations*

The Wisconsin Department of Revenue should create or contract for the creation of a protocol, like alcohol age compliance checks, that guides the enforcement of delivered alcohol. The Department will create or cause to be created necessary training materials for law enforcement on this protocol that are available for reading, viewing or printing on the Department website.

#### **Recommendation 17: Regulate brewer's retail outlet and condition approval on conformity with all applicable law, including municipal.**

*Lead implementing organizations: State of Wisconsin; Department of Revenue*

*Purpose: Reduce availability of alcohol; Enact laws & regulations*

A brewer may operate an offsite retail outlet to sell and serve fermented malt beverages for on and off-premises consumption. The brewer may apply to the DOR to change its offsite location as frequently as once a day. The brewer can fully operate the outlet as a tavern or a restaurant, can serve beer from taps in a movable truck, or can sell cans or bottles out of a cooler. The brewer can also provide free taste samples, without any limit as to quantity, at either of its retail locations. Currently nothing in the law ensures municipal notice or input into the process, although the DOR may consult with municipalities to determine whether the proposed location violates any ordinances.

The Wisconsin legislature should add a subsection to Wis. Stat. §125.29 to provide for more state and local control of a brewer's offsite retail outlet, addressing the following issues:

- ❖ The brewer should only be allowed to establish and operate one off-site retail outlet on any day, regardless of the number of permits that the brewer has.
- ❖ The brewer should be required to describe the premises for both its on-site retail outlet and off-site retail outlet at the time that the brewer applies for a brewer's permit.
- ❖ The brewer should be required to apply to the DOR for a change to its off-site retail outlet location at least 30 days prior to operating at that location.
- ❖ The brewer should be required to provide a copy of the application to the municipality where the proposed off-site retail outlet will be located, at least 30 days prior to operating at that location.
- ❖ The municipality should be provided at least 10 business days to respond to notice of the application before any approval is granted, and approval should not be granted if the





### **State Government and State Agencies (continued)**

proposed premises fail to conform with all applicable federal, state, and local law, including all local ordinances and the comprehensive plan of the municipality where the brewer proposes to locate the off-site outlet.

*\*Cross-listed in: Local Government (Recommendation 29)*

#### **Recommendation 18: Create and require an alcohol delivery license/endorsement.**

*Lead implementing organizations: State of Wisconsin; Department of Revenue; Department of Transportation*

*Purpose: Reduce availability of alcohol; Enact laws & regulations*

An Alcohol Delivery license/endorsement should be created by the Department of Transportation. Every individual who delivers alcohol for either a delivery service or a licensed retailer must hold an Alcohol Delivery license/endorsement.

- ❖ This requirement does not include individuals working for a catering service that is licensed to sell/serve alcohol.
- ❖ This requirement does not include drivers for alcohol wholesalers licensed or permitted by the Wisconsin Department of Revenue.
- ❖ Alcohol Delivery licensing would appear as an endorsement on an individual's driver's license.
- ❖ Qualifications for an Alcohol Delivery license include:
  - Age 21 or older.
  - Completion of RBS within the previous two years as demonstrated by a certificate.
  - Criminal background check that does not indicate any inability to handle controlled substances in an irresponsible or illegal manner within the past five years.

#### **Recommendation 19: Provide municipalities with authority to assess application fees.**

*Lead implementing organizations: State of Wisconsin*

*Purpose: Enact laws and regulation; Increase cost of alcohol*

The legislature should enact a statute providing clear authority for municipalities to assess application fees. This allows municipalities to recoup costs associated with processing alcohol license applications. Municipalities should be allowed to enact ordinances prescribing reasonable and proportional application fees for licensing activities related to issuing a new alcohol retail license or making a change to an existing alcohol retail license.

*\*Cross-listed in: Local Governments (Recommendation 28)*

#### **Recommendation 20: Increase fee for “Class B” temporary license.**

*Lead implementing organizations: State of Wisconsin*

*Purpose: Increase cost of alcohol; Reduce availability of alcohol*

Wisconsin municipalities should be given the ability to increase the fee for a “Class B” temporary license to \$25 to partially cover the cost of processing the application.



## ***State Government and State Agencies (continued)***

### **Recommendation 21: Conduct mandatory ethics code trainings for all who make government decisions on alcohol matters.**

*Lead implementing organizations: State of Wisconsin; Legislature*

*Purpose: Enact laws and regulation*

The state, counties, and municipalities should conduct mandatory annual trainings for their elected and appointed government officials and committee members in the relevant ethics code from Wis. Stats. sec 19.45 (state public officials) or sec. 19.59 (local officials, employees & candidates), and in any applicable local ordinances. This training should not be limited to elected and appointed officials, but should also be given to all committee members of any committees making decisions on alcohol related matters, including licensing, permitting, and law-making.”

*\*Cross-listed in: Local Government (Recommendation 30)*

### **Recommendation 22: Require responsible beverage server training for all managers.**

*Lead implementing organizations: State of Wisconsin*

*Purpose: Reduce availability of alcohol; Modify the alcohol environment*

Wisconsin should amend Wis. Stat. sec. 125.18 to require Responsible Beverage Server training within the past two years as a requirement to receive a manager's license.

### **Recommendation 23: Do not expand Direct to Consumer shipping.**

*Lead implementing organizations: State of Wisconsin; Legislature*

*Purpose: Reduce availability of alcohol*

The Wisconsin legislature should not enact any new legislation to expand Direct to Consumer shipping at this time because Direct to Consumer shipping weakens the 3-tier system, increases the availability and affordability of alcohol, removes the requirement for face-to-face sales, and increases the risk of alcohol sales to underage persons. The Wisconsin Legislature should not enact any legislation that would allow brewers, brewpubs, manufacturers, or rectifiers, to ship alcohol beverages directly to consumers.

### **Recommendation 24: Repeal preemption preventing municipalities from requiring responsible beverage server training of all employees at licensed premises.**

*Lead implementing organizations: State of Wisconsin; Legislature*

*Purpose: Reduce Availability of Alcohol; Enact Laws and Regulation; Modify the drinking environment*

The Wisconsin Legislature should repeal language preempting municipalities from requiring more than one staff person who has completed responsible beverage server training be on the licensed premises while open and also limiting municipally required training to what the state requires.



### ***State Government and State Agencies (continued)***

#### **Recommendation 25: Implement public awareness campaign about alcohol consumption's link to cancer.**

*Lead implementing organizations: State of Wisconsin; Department of Health Services*

*Purpose: Support evidence-based alcohol education; Engage in preventative health*

The department of health Services should collaborate with the American Cancer Society, the Wisconsin Cancer Collaborative, Wisconsin's health philanthropies and other related groups to create and implement a public awareness campaign about alcohol consumption's link to cancer. A multi-year commitment is needed to create general awareness that the cancer risk increases with the amount of alcohol consumed. To complement that message, later efforts should include targeted information for identified at-risk groups including gender, ethnicity and age. Increasing public knowledge of the ways an individual can reduce their cancer risk enhances the impact of evidence-informed policies and practices at the municipal and state levels.

#### **Recommendation 26: Create a public awareness campaign of causal connection between alcohol consumption and chronic disease.**

*Lead implementing organizations: State of Wisconsin; Department of Health Services; State Advocacy Organizations*

*Purpose: Support evidence-based alcohol education*

The Wisconsin Department of Health Services shall convene a discussion of the related health voluntary philanthropies and similar organizations with the goal of creating a measurable increase in public awareness of the causal connection between alcohol consumption and chronic disease by 2030.

A long-term public education campaign to increase public awareness of the many risks of excessive drinking requires both time and multi-year funding. Creation of a multidisciplinary group supports the creation of effective messages for segments of the population that have unique risks, such as girls and women on the alcohol consumption-breast cancer link.

#### **Recommendation 27: Collect and utilize anonymized OWI arrest data.**

*Lead implementing organizations: State of Wisconsin; Department of Health Services; Department of Revenue; Department of Transportation; Department of Justice*

*Purpose: Enact laws and regulations; Monitor and evaluate*

The Department of Justice should initiate discussions with the Department of Transportation and the Wisconsin Department of Health Services to consider efficient, cost-effective methods to collect, store and utilize information gathered during OWI arrest, including Place of Last Drink information. A compilation of anonymized arrest data supports licensee training programs, provides support to law enforcement agencies and supports municipal efforts to control alcohol outlet density.



### ***State Government and State Agencies (continued)***

#### **Recommendation 28: Compile comprehensive Alcohol-related statistics and make publicly available**

*Lead implementing organizations: State of Wisconsin; Department of Health Services; Department of Transportation; Department of Revenue; UW-Madison School of Medicine and Public Health; UW-Milwaukee Master of Public Health Program; Medical College of Wisconsin*

*Purpose: Enact laws and regulations; Monitor and evaluate*

Public health surveillance makes it clear excessive alcohol consumption is Wisconsin's primary substance use problem, yet municipal and state leaders often lack sufficient information to implement effective interventions to reduce alcohol-related harms. The failure to compile comprehensive alcohol-related statistics blinds Wisconsin's residents to the billions of dollars and years of productive life lost from excessive alcohol consumption annually and limits the ability to remedy the problem.

To remedy this gap in both medical and law enforcement data, we recommend:

- ❖ Wisconsin should set a 5-year goal for the creation and release of an alcohol dashboard with data from multiple state departments reported at the county level or more granular when possible. The dashboards should consolidate the alcohol-related statistics collected by the Departments of Health, Transportation, Revenue, Public Instruction, and Justice into a format like existing alcohol-related death and hospitalization dashboards. This allows public health and public safety professionals, local elected leaders, and citizens to consider the full impact of alcohol on the health, safety, and economic wellbeing of Wisconsin's residents.
- ❖ Medical schools, medical examiners, and coroners should be provided with specific instructions on how to include alcohol as a primary, secondary, or tertiary cause of death, when appropriate. The Department of Health Services, Office of Health Informatics should monitor local compliance with reporting standards and privacy. The data should be compiled and released annually to the public facing dashboards.
- ❖ The Wisconsin Department of Health Services, Office of Health Informatics should work with the Wisconsin Hospital Association to create a reliable indicator of acute hospitalization for alcohol-related admissions that could be compiled by county of residence. Also, the Office of Health Informatics and the Office of Preparedness and Emergency Health Care should work together to compile, analyze, and create a public-facing data dashboard with alcohol-related emergency ambulance runs data.
- ❖ The records management systems (RMS) for all police departments and sheriffs should be amended so that every call for service, transport, arrest or incident is coded if alcohol was a factor. In the arrest or incident. This information can help local leaders make product alcohol licensing decisions. Wisconsin's law enforcement agencies are not asked to indicate whether a call for service is alcohol-related or not. As a result, local elected officials may see the need for additional law enforcement without understanding the issues that led to the increase.
- ❖ Wisconsin's TraCS system and law enforcement records management systems should permit the collection of "place of last drink" information when answering any alcohol-related calls for service. This information provides an early indicator of over serving or selling alcohol to underage or intoxicated customers allowing law enforcement to intervene early. It is also useful for early identification of an over-concentration of alcohol outlets.



### ***State Government and State Agencies (continued)***

- ❖ Since Wisconsin repealed the law against public intoxication, disorderly conduct (D.C.) has become a surrogate for those arrests. By adding a category for alcohol-related offenses allows alcohol-related D.C. arrests to be separated, the value of this statistics is restored.
- ❖ The Wisconsin Department of Revenue should create and maintain an updated, public-facing data database of every permanent alcohol licensee and permittee that is updated monthly.
- ❖ The state should incentivize and support regional data sharing initiatives. In metropolitan areas, inability to see alcohol licenses in adjacent jurisdictions allows communities sharing boundaries to overlook developing clusters or overconcentration of outlets before they become problematic.
- ❖ Wisconsin should require every alcohol license to list the maximum number of individuals allowed within the establishment, based on the application for the license and not the building itself. This requirement would reduce the likelihood of a restaurant operating as nightclubs, a phenomenon known as “morphing” This enables a municipality to monitor sidewalk traffic, parking needs while allowing police and fire officials to readily identify dangerously overcrowded venues.

### **Recommendation 29: Include data from the Wisconsin Ambulance Run Data System in DHS’s public alcohol dashboards.**

*Lead implementing organizations: State of Wisconsin; Department of Health Services*

*Purpose: Monitor and evaluate*

The Wisconsin Ambulance Run Data System should be included in the Wisconsin Department of Health Services public-facing alcohol data dashboards.