

KENTUCKY ALCOHOL POLICY ALLIANCE

KAPA Meeting Minutes – May 29, 2014, 2:30 p.m. EST Family and Children’s Place, 525 Zane Street, Louisville, Kentucky

CONFERENCE CALL ATTENDEES	MEETING ATTENDEES (IN ADDITION TO CONF. CALL ATTENDEES)
Amanda Pyle- YMCA Kentucky Teen Institute Brooke White-Bingham- Adanta RPC Ellen Walsh- Four Rivers Behavioral Health RPC Jill Owens- Cumberland River RPC Karen Lentz- Commonwealth Alliances Marilyn Rodgers- DBHDID Sam Powell- Four Rivers Behavioral Health RPC Sherri Estes- Adanta RPC Tiffany Quarles- KY ABC	Donna Wiesenhahn- Bluegrass RPC Joy Harris- Kentucky State University Nancy Carrington- PAL Coalition Sandra Watts-Ryan- Bluegrass RPC Stefan Turner- Kentucky State University Tara McGuire- Bluegrass RPC/ Alcohol PES Tomy Baker Molloy- PAL Coalition <p style="text-align: right;">Total attendance: 16</p>

TOPIC	DISCUSSION/CONCLUSIONS/ RECOMMENDATIONS	ACTION/ FOLLOW-UP
Welcome & Introductions	Tara McGuire welcomed everyone to the meeting and statewide conference call. Introductions were made by members.	
Minutes	Tara reported minutes from the April 9 th KAPA meeting were available online. Members can double click on blue hyperlinks in the minutes to open the associated web-pages. Conference call meeting attendees were instructed to utilize the KAPA Meetings linked page for access to meeting agendas, minutes, and other documents up for discussion.	Download KAPA meeting minutes at www.kyprevention.com/projects/kapa/kapa-meetings/
Reports	<p>Window Cling Project -- Sandra Watts-Ryan provided details about the Window Cling Project conducted by the Fayette County Youth Coalition for Alcohol Education (YCAE) in which high school students partnered with Fayette County businesses to reduce underage drinking using distinctive window clings which read, <i>We don’t sell to minors, thank you for not buying for minors.</i> Participating businesses include: Traxx Lexington Shell Gas Stations, Kroger Stores, Good Foods Market and Cafe, The Liquor Barn, Unlimited Spirit, and select Exxon, Vialero and Marathon gas stations. The teens’ goal is the window clings will be an effective reminder to all adults that they shouldn’t purchase alcohol for youth and this will result in a safer season for everyone.</p> <p>Kentucky Impaired Driving Task Force -- Tara reported on behalf of Heather Parrino with the BRICC Coalition and the University of Louisville who could not attend today’s meeting on her participation on a recent Kentucky Impaired Driving Task Force. Details from the report Heather provided featured Strategic Plan Prevention Submission of information and evidence-informed resources for the Impaired Driving Task Force including:</p> <ol style="list-style-type: none"> Need for Ever-Fi AlcoholEdu in every High School and College throughout the state to reduce underage drinking 	Related document links: Fayette County Youth Coalition for Alcohol Education Window Cling Press Release Fayette County Youth Coalition for Alcohol Education Window Cling Sample Kentucky Impaired Driving Task Force Evidenced-Informed Resources

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	<p>and impaired driving;</p> <ol style="list-style-type: none"> 2. Need Mandatory Server Training as such “ABC and various industry groups have expressed a desire to continue dialogue on the establishment of a statewide employee licensure/permit system which would be coupled with a uniform training requirement. ABC’s education branch is prepared to begin a strategic plan outlining the needs of the branch were statewide mandatory training to occur. Any system would need to include a preparatory grace period for licensees and to allow the education branch to hire a manager, train needed employees, create class schedules, and to obtain additional space and materials. The system would need to track violations by retail employees and make information readily available to prospective retail employers. A proposal must address how funding will be provided and who should administer the program.” 3. Drug Evaluation and Classification (DEC) training program to monitor impaired drivers and reduce alcohol and drug misuse. <p>Powdered Alcohol – Tomy Molloy-Baker discussed recent news coverage regarding Powdered Alcohol, otherwise called “Palcohol” or a new freeze-dried alcohol product. The Alcohol and Tobacco Tax and Trade Bureau approved the label for powdered alcohol on April 8; then as of April 21, sent out an email to The Associated Press saying the approvals were issues in error. The manufacturer of Palcohol is still seeking approval to the U.S. market, and has resubmitted an application after the federal bureau said it needed more information. In the meantime, lawmakers in some states including Vermont and Minnesota have begun working on state legislation to ban the powdered alcohol product which product opponents fear “could be attractive to children and bring up new health risks” according to the Washington Post.</p> <p><u>Spiked Milkshakes and Beer Slushies</u> –Tara reported on behalf of Lisa Anglin, the DFC Coordinator with the Kenton Co. Alliance, on the Kenton County Alliance’s action following news coverage stating Taco Bell is launching a new fancier restaurant concept to move beyond their usual quick service restaurants. This new sit-down restaurant currently under development in the Los Angeles area would serve beer, wine and a spiked milkshake called a “Mexican Car Bomb” made with vanilla ice cream, tequila caramel sauce, chocolate flakes and Guinness stout. Taco Bell has already opened one new sit-down restaurant location in the Huntington Beach; however, due to local restrictions which prohibit possession and/or consumption of drugs or alcohol, is not serving alcohol at this location.</p> <p>Lisa stated in the written report provided to KAPA, “While attending a neighboring coalition meeting, I brought attention to</p>	<p>Related News Links:</p> <ul style="list-style-type: none"> ▪ <u>Powdered Alcohol</u> (USA Today) ▪ <u>Lawmakers Begin Moves to Ban Powdered Alcohol</u> (Washington Post) ▪ <u>VT Lawmakers look to ban instant alcohol</u> (WPTZ News) <p>Contact Lisa Anglin, Kenton County Alliance to Prevent Substance Abuse, at <u>lisa.anglin@erlanger.kyschools.us</u> for updates on this prevention story.</p> <p>Related news article link: <u>http://www.latimes.com/food/dailydish/la-dd-taco-bell-test-fast-casual-restaurant-us-taco-co-huntington-beach-20140424-story.html</u></p>
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	<p>the U.S. taco “Mexican Car Bomb” alcohol infused milkshake in an effort to ‘get ahead’ of this type of alcoholic beverage. Rick Oliver, director of programming and station operations at Fox19, WXIX-Cincinnati was at the table. Mr. Oliver expressed interest in this topic and ‘getting ahead of the issue’. Mr. Oliver was provided with the information contained in this document. Mr. Oliver has passed the information along to the news department at Fox19 television station. Thoughts and suggestions from the group are welcome.”</p> <p>Tara commended Lisa and the Kenton County Alliance for monitoring national news, foreseeing potential alcohol-related issues and taking preventive action.</p>	<p>If you know of an alcohol prevention strategy or project success story in your community or region, and are willing to share it at a future KAPA meeting/ conf. call please email tkmcguire@bluegrass.org.</p>
<p>Alcohol Prevention Enhancement Site (PES) Update</p>	<p>Tara shared the following updates from the Alcohol PES:</p> <p><u>Learn. Act. Impact. Save Lives. Presentation Series</u> now available at www.kyprevention.com/projects/educate-parents/:</p> <ul style="list-style-type: none"> ▪ PART I: Educating Parents and Other Adults ▪ PART II: Environmental Strategies ▪ PART III: Social Host ▪ PART IV: Alcopops <p><u>10 KY Communities have Keg Registration Ordinances</u> – download newly revised Keg Registration Fact Sheet at www.kyprevention.com/projects/keg-registration/.</p> <p><u>2014 KY Legislative Regular Session Passed Bills</u> related to alcoholism and alcoholic beverages:</p> <ul style="list-style-type: none"> ▪ SB83(BR992) -- Relating to Alcoholic Beverages. <i>Licensing, local option for election</i> ▪ SB213(BR1377) -- Relating to Sunday Sales at Small Farm Wineries. <i>Allow for Sunday sales of alcoholic beverages at small farm wineries.</i> ▪ HB415(BR1727) -- Relating to alcohol regulatory fees ▪ <u>HB 475(BR-1406)</u> -- Relating to local option <i>Allow a local option election for the sale of alcoholic beverages by the drink at state parks</i> <p><u>Vaportini KY Attorney General Consumer Complaint Response</u> – Tara reported she had received a phone call response from the KY Attorney General’s Office regarding the Consumer Complaint she submitted against Vaportini, Inc., and the Claims Representative assured the Attorney General’s Office Department of Consumer Protection is thanks to the form submitted by the Alcohol PES currently conducting a full investigation into the legality of the Vaportini Product for sale in Kentucky and potential safety risk to consumers.</p> <p><u>Stores With High Shoplifting Could Lose Liquor License Under New State Law (WA)</u> recent news article</p> <p><u>Calendar of Events</u> – View upcoming alcohol prevention-related</p>	<p>Related hyperlinks below:</p> <ul style="list-style-type: none"> ▪ Learn. Act. Impact. Save Lives. Presentation Series ▪ 10 KY Communities have Keg Registration Ordinances ▪ 2014 KY Legislative Regular Session Passed Bills ▪ Vaportini KY Attorney General Consumer Complaint Response ▪ Stores With High Shoplifting Could Lose Liquor License Under New State Law (WA) ▪ Calendar of Events

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	<p>regional, state and national trainings and events from now thru 2015 at www.kyprevention.com/projects/news/events/. Each event or training is hyperlinked on the webpage respectively.</p> <p>Nancy Carrington reported she recently received a call from the DFC Project Director asking what her DFC Grant and KAPA was doing, and she was pleased to easily be able to direct him to the useful KAPA website at www.kyprevention.com/projects/kapa/.</p> <p>Donna also mentioned how thankful she was for the Alcohol PES www.kyprevention.com website, and info. on the KAPA page.</p>	
<p>Meeting on Governor’s Task Force</p> <p>State Preemption Discussion on local government authority to implement RBS Ordinances</p>	<p>Karen Lentz restated the previous update she provided to KAPA following the last meeting by email in that “as of April 11, 2014, the 6th Circuit Court denied the grocers request for a rehearing on the Judge Heyburn ruling and appeal (good news for prevention). The grocers can appeal further to the Supreme Court, but it is unlikely given the Supreme Court only accepts a very small percentage of cases which are appealed to it. We may see the issue come back up again in next year’s legislative session, but for now it appears packaged wine and spirits will only be sold in Kentucky in liquor stores where minors cannot enter without a parent/guardian and pharmacies with packaged spirits and wine licenses.”</p> <p>Karen shared she had met with the KY ABC on the Governor’s Task Force on Alcoholic Beverages, and the ABC at this time is not planning to put the task force back in place.</p> <p>Karen emphasized the importance of moving towards a statewide mandatory Responsible Beverage Server (RBS) Training Law due to a pending potential challenge to local prevention-related ordinances in communities statewide like RBS alleging local governments did not have authority to implement these ordinances.</p> <p>Tara mentioned she was familiar with issues of State Preemption, but was not aware Kentucky had a system of preemption in place. More on State Preemption is at the end of the minutes.</p>	<p>The group will continue to follow the State Preemption discussion on local government authority to implement RBS Ordinances.</p>
<p>RBS Statewide Survey</p>	<p>NEED FOR RBS SURVEY -- Donna Wiesenbahn discussed the need to conduct a statewide RBS survey. The fact 73 Kentucky counties and cities have passed RBS Ordinances is a strong basis, but if prevention joins in more so on the conversation about statewide RBS then prevention needs data to back it up so it is not us talking about it, but rather the number of people statewide who support it.</p> <p>TIME FRAME -- Tiffany Quarles said RBS might be proposed this 2015 legislative session, but the decision-makers within the state government and legislature were talking about it now. Donna added the legislative committees usually meet during the summer (now) to discuss legislation for the next regular session. So, we need to conduct the survey as soon as possible.</p>	<p>Related web-link: 73 KY Communities have RBS Ordinances</p> <p>Paper and survey monkey versions of the RBS Survey will be administered to consumers/ general population, alcohol</p>

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	<p>WHO WILL TAKE THE SURVEY -- Donna said we would want to know from retailers, retail association, consumers and STAR Trainers. Sherri Estes added the need to focus on alcohol retailers and wet counties. Tiffany added there were a lot of licensees without computer access, so, a paper survey in addition to survey monkey would be necessary in some areas. Tiffany said 1/3 of the alcohol licensees were in Jefferson County; the three counties with the most licensees were McCracken, Fayette and Jefferson; and the next three counties with the most licensees is Boone, Kenton and Campbell. She signified these six communities would be important to reach with the survey. Stefan Turner provided the idea we could educate through the survey in the dry communities.</p> <p>WHO WILL DEVELOP THE SURVEY – An RBS Survey Committee was formed and will meet on Friday, June 20, 10:00 a.m. at Bluegrass Prevention. This committee will consist of Nancy Carrington, Donna, Tara, Nick Kilby (Bluegrass Prevention), Dana Quesinberry (Rowan County UNITE), Sandra and Sherri. Tara will contact Rodger Leasor and Ellen Walsh to ask if they could assist with the statewide survey development.</p>	<p>retailers and STAR Trainers to wet and dry counties statewide with emphasis on collecting surveys in Jefferson, McCracken, Fayette, Boone, Kenton and Campbell Counties.</p> <p>RBS Survey Committee Meeting on Friday, June 20, 10:00 a.m. at Bluegrass Prevention (1351 Newtown Pike, Bldg. 3, Lexington 40511-1278)</p>
National Liquor Law Enforcement Association Conf. (Sept. 29- Oct. 1)	Tara followed-up on the discussion about KAPA nominating law enforcement departments and officers for the NLLEA Awards given out at the conference September 29- Oct. 1, in Louisville, in that she appreciated the local coalitions and RPCs who were working to nominate law enforcement locally but she unfortunately had not had time to write and submit nominations on behalf of KAPA for these awards. She mentioned the awards were due on June 6.	<p><u>National Liquor Law Enforcement Association Conf. (Sept. 29- Oct. 1) link</u></p> <p>http://www.nllea.org/documents/conference/</p>
KAPA Planning Committee Update	<p>MISSION, VISION, GUIDING PRINCIPLES: Tomy Molloy and Tara reported they had met before today’s meeting and drafted some ideas for a one-page handout on KAPA with our mission, vision statement and guiding principles similar to that available from other statewide Alcohol Alliances in NC, Ohio, and New York and the Global Alcohol Policy Alliance and U.S. Alcohol Policy Alliance. Darryl Turpin is also on the committee, but could not attend today’s meeting, he will be involved in future planning discussions.</p>	<p>The vision and guiding principles are still under development, and the committee will be seeking further input from the entire KAPA group once a draft is available.</p>
KAPA Planning Committee Update (cont.)	<p>STEERING COMMITTEE REVISIONS: Tara announced they had also discussed the members of the steering committee, and Tomy and she would be contacting members who were no longer attending regular KAPA meeting to determine if they still wished to be on the steering committee or would prefer to only be on the KAPA member list. These steering committee members will be replaced accordingly with KAPA members who have participated in the majority of meetings and supported KAPA events and by members request to be on the steering committee.</p>	<p>Any KAPA Volunteer interested in becoming a member of the Steering Committee should contact</p> <p>tkmcguire@bluegrass.org or tmolloy@famchildplace.org.</p>
Next Meeting	The next KAPA meeting will be on Thursday, July 24th, 2:30-4:00 p.m. EST, at the Bluegrass Prevention Center, 1351 Newtown Pike/ Bldg. 3, Lexington 40511-1278.	Mark your calendars for Thursday, July 24th, at 2:30 – 4:00 p.m. EST

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	Next Mtg. Conference Call Instructions: 712.432.5610, then enter KAPA# (5272#) To join the KAPA mailing list or to become a member of KAPA, email tkmcguire@bluegrass.org .	Conf. call & mtg. info: http://www.kyprevention.com/projects/kapa/kapa-meetings/ .
Announcements	PAL Underage Drinking Prevention Town Hall Meeting – Tomy invited members to attend this evening's (May 29) PAL Prevention Town Hall Meeting from 6-8pm, at the Community Center, 2911 Taylor Blvd., Louisville.	
Adjourn	Tara adjourned the meeting at 4:00 p.m. EST.	

STATE PREEMPTION RESEARCH: provided by Tara McGuire, State Alcohol PES

1. SOURCE -- CADCA.org “Understanding Social Host Ordinance and Determining if they are Right for Your Community” PowerPoint by Kimberly Wagoner, Wake Forest University School of Medicine (2013):

“State Preemption

- Alcohol can be regulated at various levels (federal, state, local)
- System of **preemption** is in place – Denies regulatory authority of local governments and gives it to a higher level jurisdiction, (i.e. states or federal government)
- Communities may not be able to pass local ordinances because the state has *expressed* or *implied* preemption
 - **Expressed preemption:** State statutes explicitly lay out the state’s intent to control a field of regulation.
 - **Implied preemption:** No room for local regulation because the state regulation is very broad”

2. SOURCE -- Policy briefing paper: The perils of preemption by the American Medical Association (2001) (http://www.alcoholpolicymd.com/pdf/Policy_Perils.pdf) :

“Preemption is like a trump card: A state law can trump, and thus invalidate, a local regulation. Only one aspect of the preemption doctrine seems relatively straightforward: Local governments cannot permit activities that state law expressly prohibits. Thus, a local government may not permit a bar to remain open during hours that the state disallows without explicit permission from the state legislature.”

3. SOURCE -- 2011 New York Case- preemption of local Social Host Ord. by State Alcohol Regulation:

In the case ‘2011 NY Slip Op 21263 THE PEOPLE OF THE STATE OF NEW YORK, Plaintiff, v. KEITH VALENTINE, Defendant. THE PEOPLE OF THE STATE OF NEW YORK, Plaintiff, v. CYNTHIA VALENTINE, Defendant. xx/11 Justice Court of Town of Hunter, Greene County’, decided July 19, 2011, ‘the charges of violation of Greene County Local Law #1 of the year 2007 as to Keith Valentine and Cynthia Valentine, are dismissed in the Interest of Justice.’

“The defendants are both charged in information's with two counts arising out of a graduation party held at their residence in Greene County New York in June of 2010. The charges stem from an accusation that various minors were in attendance at the graduation party and that alcoholic beverages were supplied to them by allowing them access to various coolers that contained beer. The first charge is the misdemeanor of Unlawfully dealing with a child under penal law section 260.20 and the second charge is the violation of Hosting a party in violation of Greene County Local Law number 1 of 2007 at which the host has knowledge that alcohol beverages are being consumed by minors.

The defendants jointly move for an order dismissing the charges of unlawfully dealing with a child under penal law section 260.20 (2) on the grounds that an affirmative defense has been established as a matter of law.”

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