

Questions and Answers

Interested Parties Meeting

Proposed Drink Specials Regulations

July 29, 2019

3:00 p.m.

City Hall- Council Chamber

1. The last slide stated 72 hours but it was stated by Hollis 24 hours which would it be?
Hollis stated that it was his error. It would be the 72 hours, as per the slide
2. On drink specials the law states you must keep the prices in place for at least 24 hours and the proposed ordinance states a week which would it be?
Hollis stated they will have to refer this question to the Law Department.
Law Department response: This question is unclear as there is no clue what the question is referencing when they state the "law states you must keep the prices in place for at least 24 hours". The law department is not aware of any such law. The draft ordinance provides for the normal retail price to "be effective for a period of at least one week before it may be changed by the licensee". This was to limit the ability of a licensee to creatively circumvent the rule by making a drink special effective as the "normal retail price" for a limited amount of time by claiming the drink special was the "normal retail price".
3. How would this affect Microbrewery prices as they produce their own product?
Hollis stated they will have to refer this question to the Law Department.
Law Department response: If Microbreweries sell or give away alcoholic beverages by the drink, it would apply.
4. Would wine tasting be banned after 9 pm?
Hollis stated the way that this ordinance is currently written, it would be.
Law Department response: That is a good question. It certainly was not the intent to prohibit legitimate wine tastings. It is probably something that should be looked at and clarified in the draft ordinance, but as a practical matter, there are very few "wine tastings" that occur after 9:00 pm. Because most of the liquor licensing violations are complaint driven enforcement, it should be a non-issue, but if it makes people more comfortable to clarify that the "free samples or tastings of any alcoholic beverage" is not intended to apply to a customer sampling, the section could be amended to read "free samples of any alcoholic beverage; provided however, this example shall not apply to wine tastings or beer samples of less than 2 oz. provided to a customer for the purpose of sampling the product in order to make a determination about whether to purchase an alcoholic beverage".

5. Would drink tickets fall under section 4?
Hollis stated they will have to refer this question to the Law Department.
Law Department response: It would depend on the circumstances and more information would be needed about how the drink tickets are being utilized. For example, a regular operating bar selling drink tickets at a reduced price or providing drink tickets to patrons with payment of a cover charge would be prohibited. A special event that uses drink tickets instead of cash would be covered under section 4.

6. Would all-inclusive events be included? One establishment does mimosas for a New Year's Eve celebration.
Hollis stated that this would be documented and would be referred to the Law Department.
Law Department response: Yes. All-inclusive events would be included under the current language. As a policy matter, New Year's Eve events could be excluded by amendment of the draft ordinance.

7. Are we suggesting that 13 year olds are going after the drink specials?
Hollis stated that the climate and environment in which first drink happens varies by community, and a culture of underage drinking is a determining factor.

8. Loyalty programs before 9 pm would not apply to be able to redeem such tickets?
Hollis stated they will have to refer this question to the Law Department.
Law Department response: It is not possible to answer this question without more detail being provided about the "loyalty program" being referenced. If a bar has a "loyalty program" under which a patron received free or reduced price drinks after 9:00 PM, it would apply.

9. Has the Substance Abuse Commission weighed in on this?
Hollis stated that the commission did weigh in on this and was supportive.

10. Is it clear to the community that this doesn't solve the problem?
Hollis stated that underage drinking was just one of the target issues; the main issue was excessive drinking.

11. Why is this not applying to off-premise license holders?
Hollis stated they will have to refer this question to the Law Department.
Law Department response: This is not a legal question. It was a policy determination which may be assumed was based on the fact that most off-premise license holders are conducting one-time catered special events.

12. Has there been any effort before this draft ordinance to help curb underage drinking or help recognize fake IDs?
Hollis stated the most recent attempt was the server certificate requirement. Hollis reiterated that this is intended prevent excess drinking.

13. With underage drinking happening in the community it is very hard to tell fake ID's apart anymore and the enforcement of this prohibition will take a lot of police time. Is there going to be any increased enforcement?
Stephens stated that if this ordinance passes, there would be hope for voluntary compliance, and it's not an "us versus them" mentality. Each area would be paired with a beat officer. What they're doing, what they're seeing and then working together to come up with solutions.
14. Where would a bar/restaurant find the information to pair with the officers?
Stephens stated it should be available on the Columbia Police Department's website.
15. Anyone considered revamping the Smart training?
Hollis stated the City doesn't own or require Smart training and is open to reviewing and approving other trainings.
16. Anything in the language of the ordinance that addresses the larger problem of excessive drinking such as movies, pop culture, ect?
Hollis stated this ordinance only focuses on drink specials.
17. With the recent construction of the apartments downtown, have we considered the numbers we have seen increase having something to do with all of that and revisiting why these numbers have increased?
Hollis stated unfortunately that was out of the purview of this project. Staff was directed by council to draft an ordinance prohibiting drink specials on a temporal basis. Issues with alcohol clearly involve other community issues, but this meeting is limited to input about the draft ordinance.
18. The data that was provided showed some evidence that these types of rules reduce excessive drinking, where some of it shows that there is no effect. Some of it shows that it also exacerbates pregame drinking. How much weight was given to that data as opposed to the selected studies?
Hollis stated the meta-analysis utilized did indicate some evidence that drink specials prohibitions do reduce excessive drinking.
19. Who is this for? What coalition went to City Council and asked for this?
Hollis stated that the City's Substance Abuse Advisory Commission proposed the council consider drink specials regulations.
20. How would you track every business's menu items or keep track of such data?
Hollis stated his understanding was that there would be no database, but that if a business were asked to produce a price list they would have to do so.
21. With the heat map was there a comparison made to peer cities? Where would you locate that at and is it pretty par for the course for those peer cities?

Hollis stated that those numbers did not come from peer cities. Those were used to form the temporal restriction. The data was used to target time of day.

22. Is there any data for alcohol poisoning for those self-regulating their drinks versus those drinking in an establishment.

Hollis stated that unfortunately that was not a data point that they had.

23. Nearly two out of every three Missourians is obese and these numbers have tripled since the 90's, so just curious on when we were going to ban lunch?

Hollis stated there is limited time and asked the audience to submit genuine questions.

24. Is there anything that the City can do to prevent business from moving just passed the city limits to avoid this drink special restrictions and how could City businesses compete with that?

Hollis stated there is no way to avoid that.

25. The data is in all raw counts, is the data available in rate versus the raw count?

Hollis stated the report also contains rates.

26. How will this affect private clubs?

Hollis stated they will have to refer this question to the Law Department.

Law Department response: It applies to any licensee who sells alcoholic beverages.

27. If we have dram shop laws already, wouldn't this be over redundant?

Hollis stated they will have to refer this question to the Law Department.

Law Department response: No.

28. In recent times they have noticed a crackdown on bars at night, but not during football Saturday is this going to be done?

Hollis stated they will have to refer this question to the Police Department.

The police department operates 24 hours a day 7 days a week, including football Saturdays.

29. In conjunction with the proposed ordinance is the City Council offering any kind of outreach in to the community such as rehabilitation offered by the city for excessive drinkers or education out reaches to the schools?

Hollis stated this question would be better suited for Council.

30. With the police department being stretched already, how are you going to enforce the 9 p.m. cut off and also how are you going to deal with more intoxicated people during the day?

Stephens stated that if this becomes ordinance, this is where the voluntary compliance comes into effect.

31. What measurements do you have to judge whether or not the policy is successful or if it causes more harm than good? How would you collect that data? How would you prepare for that data to be effective?

Hollis stated that this is an evidence based practice and that several indicators could be monitored over time.

32. Were you asked to monitor excessive drinking or were you asked to do a regulation on excessive drinking?

Hollis stated that they were asked to develop an ordinance that would prohibit certain types of drink specials on a temporal basis.

33. I have a blackboard special paired with a meal and I would have to stop that at 9 pm correct?

Hollis stated he's not sure what kind of drink special the owner runs, but if it were to fall under this restriction then, yes that would likely be the case if it this proposed drink special ordinance is adopted.

Law Department response: If the "blackboard special" is a price established as a part of the "normal retail price established by the licensee for the alcoholic beverage" during that weekly period, it would not be prohibited. A reasonableness interpretation would come into play in enforcement of a "blackboard special". For example, a special which provides for all you can drink beer with the purchase of a \$2.00 bag of chips would be an attempt to evade the law. On the other hand, a special that provides for a bottle of wine with the purchase of two dinners (as is commonly done at CC's) would not be an attempt to evade the law. A possibility to alleviate any fear of overreaching enforcement would be to make an exception for any food/drink special at a restaurant-bar where the alcoholic beverage is included with the food purchase and the retail value of the food and drink is greater than the "normal retail price" established by the licensee for the alcoholic beverage (in essence, the licensee may give away the food, but the licensee may not give away the alcohol for less than the "normal retail price").

34. Which City Council member requested this regulation and was it in public hearing?

Hollis stated that it was it was requested by consensus of the council at a city council meeting.

35. Would businesses be required to turn over purchase orders to show that they were compliant with this ordinance?

Hollis stated they will have to refer this question to the Law Department.

Law Department response: The draft ordinance says nothing about turning over purchase orders and at this time we do not know what probative value purchase orders would have to enforcement of the ordinance. It is not anticipated that the turning over of purchase orders will be necessary to enforcement of this ordinance; however, if the person asking the question believes the purchase orders would be of value in showing compliance or non-compliance, it is something city staff could evaluate further.

36. What economic impact studies were done on how this regulation would affect downtown Columbia or Columbia as a whole? What business owners were contacted to get their input?
Hollis responded none and none, and that's why we are here today.
37. How are you going to tell what the retail prices are if it's not currently on the menu? And will they be allowed to make it if they do not have it on the menu but have the items to make it?
Hollis stated they will have to refer this question to the Law Department.
Law Department response: The draft ordinance provides for the retail price to be set forth in writing and be available on the licensed premises where the sale of alcohol beverages is occurring. It must be available to be provided to any customer or agent of the city upon request. It does not have to be posted or listed on the printed menu – it simply must be available if requested. The licensee may keep one or more printed sheets containing the normal retail price of the alcoholic beverages behind the bar or near the cash register to provide to a customer upon request. The price list does not have to list every drink combination, but it should have the price per ___ oz. serving of the various drinks programmed into the cash register of the licensee to reflect what customers are charged.
38. What else has been tried before to combat excessive drinking? What were the results of that? Have they failed? Are there other laws being over turned.
Hollis referred back to the server training. It was the last big alcohol policy change for the city.
39. Will there be a time limit on this ordinance?
Hollis said not that he is aware of but we would note this question.
40. What are repercussions for going against the ordinance?
Finley stated that if there are reports received or patterns observed they will work with the police department and recommend a suspension or revocation of the liquor license.
41. Why will there not be a fine first?
Finley stated there is a liquor license review board in place and there is the opportunity to appeal the business administrator's decision.
42. How are those two things working together with the district and restaurant week without doing a whole new menu item permanently?
This question could not be answered.
Law Department response: The question does not make any sense as it applies to establishing a "normal retail price" for sales of alcohol by the drink. The draft ordinance has no applicability to establishing new menus or menu items. The normal retail price is not required to be printed on the menu.
43. In regards to the smart training, has the board looked at any data to see if that has worked or not?
Hollis stated it's not something that his department has looked at. Hollis stated he is unaware if any other department that has looked at the data either.

44. Why not do this over a public vote versus a council vote?
Hollis stated that's not a question that he could answer.
45. What counts as a drink special? I hypothetical buy a slice of pizza and get a dollar a pint of beer versus buy a pint of beer get a dollar off a slice of pizza. They end up being the same essentially. How do you know which one would end up being allowed?
Hollis stated that it would be based on the established price of the beverage.
46. Many other cities were cited, such as Iowa City, none with the exception of Georgia were ranked lower than us. Specifically Iowa City where you pulled most of the verbiage for the draft ordinance. It was actually ranked by USA Today as one of the drunkest cities in the U.S. How can you prove that any of these measures will be effective in curbing excessive alcohol drinking or will this just make it harder on businesses to make money?
Hollis referred to the evidence cited in the report.
47. Will there be an opportunity to speak with City Council since we are not getting a whole lot of feedback?
Hollis stated that if this goes to City Council there would be a public hearing, but in the meantime people should feel free to reach out to the Council members. Hollis also stated and they would try to get answers for any of the unanswered questions today.
48. For those of us unfamiliar with this process, this is a draft, what does this look like from here? What stages does this go through before this possibly becomes law?
Hollis stated that they wanted to have this interested parties meeting today to solicit feedback, though it is not a required process. Based on the feedback, we will regroup as staff and make any needed adjustments to the draft ordinance. Then it will go to council with all public comment and the questions and answers.
49. Do they have to vote on it then or does it go council as a report and they say thanks end of story?
Hollis stated either scenario could happen.
50. What makes you think that this proposed ordinance would work now versus the current voluntary ordinance that is in place?
Hollis stated that he wants to reiterate that they were specifically asked to draft this ordinance by council and it isn't a matter of opinion as they were given a task.
51. Would a pitcher of beer that someone could sell before 9 pm no longer after 9 pm at a regular price but it would be more than one?
Hollis stated from his understanding that it wouldn't be prohibited because it wouldn't be at a discounted price.

Law Department response: This question is unclear. The pitcher of beer after 9 pm would need to be sold at the "normal retail price". The pitcher before 9 pm could be sold at a discount or "happy hour" price. If the question is asking whether or not a person could buy multiple pitchers of beer before 9 pm at a discount price and have them delivered to the customer after 9 pm, a prohibition against that practice may be something the city should consider including in the ordinance so that the intent of the ordinance is not avoided.

52. If on the premise a full bottle of wine is won, would that be under this ordinance as well?

Hollis stated they will have to refer this question to the Law Department.

Law Department response: The ordinance applies to sale by the drink. If the licensee is authorized to give away bottles of wine, then the prize would not be a violation of the ordinance; however, bottles of wine given away after 9:00 PM should not be consumed on the premises if it was given away at less than the normal retail price.

53. What about gift certificates for a charity event? It is a donated gift certificate versus a purchased one. Would that be considered a special?

Hollis stated from his understanding this would just be a form of currency.

54. Certain bars have more interactions with police than other bars and restaurants as far as enforcement is concerned. Are we expecting full blanket enforcement or pick and choose enforcement? With each specific officer for the area are they going to be trained to look over what they are given to say that's on point with the size and liquor portions? What are we supposed to do when liquor enforcement is there?

Stephens stated that nobody had been trained on it clearly since this is very preliminary. If this were to pass we would clearly establish the guidelines we were going to enforce and there would be a clear understanding of what they were doing and where they were doing it. It would also be all inclusive just like now with MIP's, or with any kind of instance. If there is one place where it's a problem you're probably going to see officers more frequently than if it's not a problem there. Initially everyone is going to start out the same as it's going to be brand new to everyone. Officers would be trained. It would be a new learning experience for officers as well as business owners.