

S B

1 3 8

Original sponsor: V.Fischer

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 138 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pricing and promotion of alco-
7 holic beverages."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 04.16 is amended by adding a new section to read:

10 Sec. 04.16.015. PRICING AND PROMOTION OF ALCOHOLIC BEVERAGES.

11 (a) On premises where alcoholic beverages are sold by the drink, a
12 licensee or a licensee's agent or employee may not

13 (1) offer or deliver, as a promotional device, free alco-
14 holic beverages to a person or group of persons;

15 (2) deliver an alcoholic beverage to a person already
16 possessing two or more;

17 (3) sell, offer to sell, or deliver alcoholic beverages to
18 a person or group of persons at a price less than the price regularly
19 charged for the beverages during the same calendar week, except at
20 private functions not open to the general public;

21 (4) sell, offer to sell, or deliver an unlimited number of
22 alcoholic beverages to a person or group of persons during a set
23 period of time for a fixed price;

24 (5) sell, offer to sell, or deliver alcoholic beverages to
25 a person or group of persons on any one day at prices less than those
26 charged the general public on that day, except at private functions
27 not open to the general public;

28 (6) encourage or permit an organized game or contest on the
29 licensed premises that involves drinking alcoholic beverages or the

1 awarding of alcoholic beverages as prizes.

2 (b) A licensee or a licensee's agent or employee may not adver-
3 tise or promote in any way, either on or off the premises, any of the
4 practices prohibited under (a) of this section.

5 (c) Nothing contained in this section shall be construed to
6 prohibit a licensee or a licensee's agent or employee from offering
7 free food or entertainment at any time, from serving wine by the
8 bottle or carafe or beer by the pitcher with meals, or from including
9 an alcoholic beverage as part of a meal package.

Alaska State Legislature

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714



Senator Mitch Ahoon
CHAIRMAN

Senate Committee on State Affairs

Letter of intent - Senate State Affairs

SB 138 - An Act relating to pricing and promotion of alcoholic beverage.

February 20, 1986

It is the intent of the Senate State Affairs Committee in adopting the committee substitute for SB 138, that licensee's of premises where alcoholic beverages are sold by the drink be prohibited from sponsoring "happy Hours" and similar types of alcohol promotion that encourage excessive drinking.

The committee intends that such prohibitions be applied only to actions of the licensee or licensee's agent and not to actions of individuals patrons. Specifically, the Committee intends that the prohibition in Sec. 04.16.015(6) against encouraging or permitting organized games or contests that involve drinking alcoholic beverages or awarding alcoholic beverages as prizes be limited to licensee's or their agents and not to individual patrons.

COMMITTEE REPORT
SENATE

FURTHER:

JUDICIARY
FINANCE

2/7/85

Date _____

Mr. President

The Committee on STATE AFFAIRS considered SB 138
relating to the pricing and promotion of alcoholic beverages.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 138 - A
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Handwritten Signature]

Chairman

Chairman recommendation

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



C

February 5, 1986

To: Senator Mitch Abood, Chair
Senate State Affairs Committee

From: Senator Vic Fischer *V.F.*

Re: Request for hearing - SB 138

I would appreciate your scheduling SB 138, a measure to limit practices that encourage excessive drinking through alcohol promotion and other "happy hour" specials, at your earliest convenience.

SB 138 has been in the Senate State Affairs committee since its introduction on February 7, 1985. It has never had a hearing in spite of requests from me and others, including MADD.

I've attached a file of background information on SB 138 for yourself and committee members. Please contact me or my staff at 4954 should you need additional material.

If there are any problems that would prevent an early hearing on SB 138, please let me know.

RECEIVED
FEB 5 1986

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



February 5, 1986

To: Senator Mitch Abood, Chair and
Members, Senate State Affairs Committee

From: Senator Vic Fischer

Re: SB 138 - prohibiting "happy hours"

SB 138 prohibits establishments where alcohol is served from sponsoring "happy hours", drinking contests, or similar kinds of alcohol promotion.

The bill is modeled after similar legislation adopted recently in four other states and currently being considered by 17 others.

SB 138 is designed to prohibit alcohol promotion schemes that encourage excessive or irresponsible drinking. It is consistent with laws adopted in Alaska in the last four years to curb drunk driving and other alcohol-related crimes.

A major theme of these laws has been individual responsibility, including the expectation that people should drink responsibly and that those who serve alcohol should do so responsibly.

The kinds of alcohol promotion prohibited by SB 138 encourage people to drink excessive amounts of alcohol in a short period of time - a sure inducement for drunkenness. "Happy hours" are a particular evil because they are specifically aimed at catching workers after work on their way home, usually by private automobile.

Many bar owners oppose "happy hours" but feel compelled to promote them in order to effectively compete with establishments that regularly sponsor them.

SB 138 does not prevent a license holder from offering free food or entertainment, or other types of promotion. It does prohibit bar owners from sponsoring events that encourage irresponsible drinking behavior.

Private functions are not affected by SB 138.

Last year, the Municipality of Anchorage adopted a tough city ordinance similar to SB 138. The ordinance, however, provides no enforcement power. Instead, the Assembly will look at an establishments compliance with the ordinance when considering whether to approve renewal of their liquor license. It is assumed that the Assembly will recommend that the ABC Board not renew a license when the establishment has failed to comply with the ordinance. The Board, however, is not bound by regulation or law to follow the Municipality's recommendation. Thus far, most Anchorage liquor establishments have chosen to comply with the ordinance, although many have not.

In spite of Anchorage's efforts, the fact remains: Alcohol abuse is a statewide problem and we need a statewide approach to stop irresponsible alcohol promotion.

We all suffer the effects of irresponsible drinking. We know that the easy availability of alcohol and cut-rate prices have a direct effect on the amount and type of consumption. It's time we took a positive step toward encouraging responsible drinking. SB 138 is a good first step.

SB 138 is endorsed by alcohol counselors, bar owners, and hundreds of concerned Alaskans including the local chapter of MADD. It has a zero fiscal note.

Senator Vic Fischer

(907) 465-4954

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



February 7, 1985

To: Senate Members and Interested People

From: Senator Vic Fischer *VF*

Re: SB 138 Pricing and Promotion of Alcoholic Beverages

This measure limits practices that encourage excessive drinking through promotions such as two for one specials, jumbo drinks at regular prices and other happy hour specials. Massachusetts, Michigan, New Jersey, and Ohio have also outlawed similiar forms of liquor promotion.

This bill prohibits premises where alcoholic beverages are sold by the drink to offer free or discounted drinks, or to deliver alcoholic beverages to a person possessing two or more. Drinking contests and alcoholic beverages as prizes would also be banned.

Private functions are not affected. In addition, nothing prevents the license holder from offering free food or entertainment, or from serving wine by the botte or carafe or beer by the pitcher with meals.

Alcohol abuse is one of, if not, the major health risk facing Alaskans. A 1984 Department of Health and Social Services survey showed alcohol abuse to be the number one concern. Alaska has the 12th highest percentage of acute drinkers in the nation and has the third highest number of chronic drinkers.

SCOTT & WESLEY GERRISH
MEMORIAL

M A D D

ANCHORAGE, ALASKA
CHAPTER

MAILING ADDRESS:
711 H Street, Box 108
Anchorage, Alaska 99501

(907) 279-MADD

BUSINESS ADDRESS
733 West 4th Avenue
Anchorage, Alaska 99501

March 21, 1985

Senator Vic Fischer
Alaska State Legislature
Pouch V (S 3100)
Juneau, Alaska 99811

Dear Senator Fischer,

MADD supports the enclosed bills that have been introduced in the legislature this year.

Singly and collectively, these bills will contribute to reducing the incidence of drunken driving. While there has been a reduction in the number of drunk driving fatalities, we have a long way to go.

You may recall that in the decision in the case of State of Alaska vs Erickson, the state Supreme Court commented that alcohol is more dangerous than cocaine. Because of several laws passed by the legislature in recent years, Alaska is establishing itself as a progressive state in matters relating to reducing alcohol abuse. We urge you to continue this fine record by passing these bills.

Sincerely,



Katherine Bigler, President
Anchorage Chapter MADD

MOTHERS
AGAINST
DRUNK
DRIVERS

1985 Legislative Bills
Supported by MADD

House Bill No.3 - Open alcoholic containers in motor vehicles.

House Bill No.55 - Licensed premises.

Senate Bill No.69 - Licensing and regulation of the sale and distribution of alcoholic beverages; and providing for an effective date.

Senate Bill No.73 - Identification of persons arrested for D.W.I.

Senate Bill No.74 - Driving while intoxicated.

Senate Bill No.75 - Suspension of the privilege to obtain a driver's license.

Senate Bill No.76 - Rights of prisoners and amending Rule 5 (b).

Senate Bill No.136 - Increasing the membership of the A.B.C. Board.

Senate Bill No.138 - Pricing and promotion of alcoholic beverages.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 138
 Title: Pricing and Promotion
of Alcoholic Beverages
 Sponsor: Senator V. Fisher
 Requestor: Sen. State Affairs Comm.
 Date of Request: February 8, 1985

FISCAL DETAIL

Agency Affected: Dept. of Revenue
 Program Category Affected: Public
Protection
 BRU; Program or Subprogram(s) Affected:
Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock Phone: 277-8638
 Division: Alcoholic Beverage Control Board Date: 2/12/85

Approved by Commissioner: Mary Ann Northrup Date: 2/15/85
 Agency: Department of Revenue

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

December 12, 1985

To: Senator Vic Fischer
From: Ginger Baim
Re: Status of Municipal ordinance banning "happy hours" etc.

Municipal ordinance 85-128S was adopted August 13th, 1985. Parts of the ordinance, specifically the requirement for training courses for people who serve alcohol, did not become effective until December 1, 1985.

Ordinance 85-128S requires:

- prohibits 2 for 1 sales
- prohibits advertising free drinks
- prohibits selling drinks at any reduced price
- prohibits drinking contests or games based on drinking
- requires bars to "provide access" to public transportation for those patrons apparently under the influence of alcohol
- requires that bars put visible notice about the legal penalties for drunk driving and penalties for selling to a minor or to anyone under the influence of alcohol
- requires bars to serve non-alcoholic drinks
- requires people who serve alcohol to complete a training course approved by the state ABC board

The municipality has no real ability to enforce this ordinance. Enforcement comes indirectly through the Assembly. When a liquor license is up for renewal, the Assembly will look at how they have complied with this ordinance and make recommendations to the ABC board, based on that compliance. It is unlikely that the ABC board would choose to renew a license when the Assembly has recommended against renewal based on violation of a municipal ordinance.

However, the muni can't require anything from the state ABC Board - which is why we need your bill, not just a municipal ordinance!

Anchorage Times
A-13 3/14/85

Happy hours increase consumption of booze

Dear Editor:

It should come as no surprise that MADD (Mothers Against Drunk Drivers) is disappointed with your March 1 editorial comments in support of "Happy hours" in bars.

Our office regularly receives telephone calls from individuals who are worried about their spouse driving home in the evening after having spent a few

hours in a bar during a happy hour.

The happy hours take several forms — two for the price of one, three for the price of one, mixed drinks by the pitcher, free beer without a limit on consumption. It is a well established fact that price and consumption of booze are closely related — the lower the price the greater the consumption.

Several bar owners have told us they are philosophically opposed to happy hours, but schedule them to meet the competition.

Sen. Fischer's bill should be supported to help reduce drunken driving.

Katherine Bigler
President

Anchorage Chapter MADD

For the industry, it represents a first step toward deregulation. For consumers, it represents a chance for price competition in many markets and protection from the remaining monopolies. For the commission, it represents the new regulatory tools needed to manage a complex and rapidly changing industry.

The details of the compromise were hammered out through a lengthy hearing and negotiation process conducted by the Joint Select Committee on Telecommunications, a special, bipartisan study committee created in 1983. Because the committee was funded by the WUTC's dedicated revolving fund, and staffed by two attorneys specializing in telecommunications issues, it was able to examine, in depth, all facets of the industry. The committee held 15 hearings, sponsored a symposium on state regulation of telecommunications at the University of Washington, and attempted to operate on a consensual basis. Because the draft legislation was developed by an expert committee staff, rather than by industry or consumer groups, all parties came to see the resulting bill as a careful attempt to develop a legislative approach emphasizing the public interest.

Creating a Joint Select Committee was seen as providing the flexibility the Legislature needs to address new and complex issues. More important, it allowed the Legislature to set the agenda for regulatory reform, rather than simply react to industry proposals.

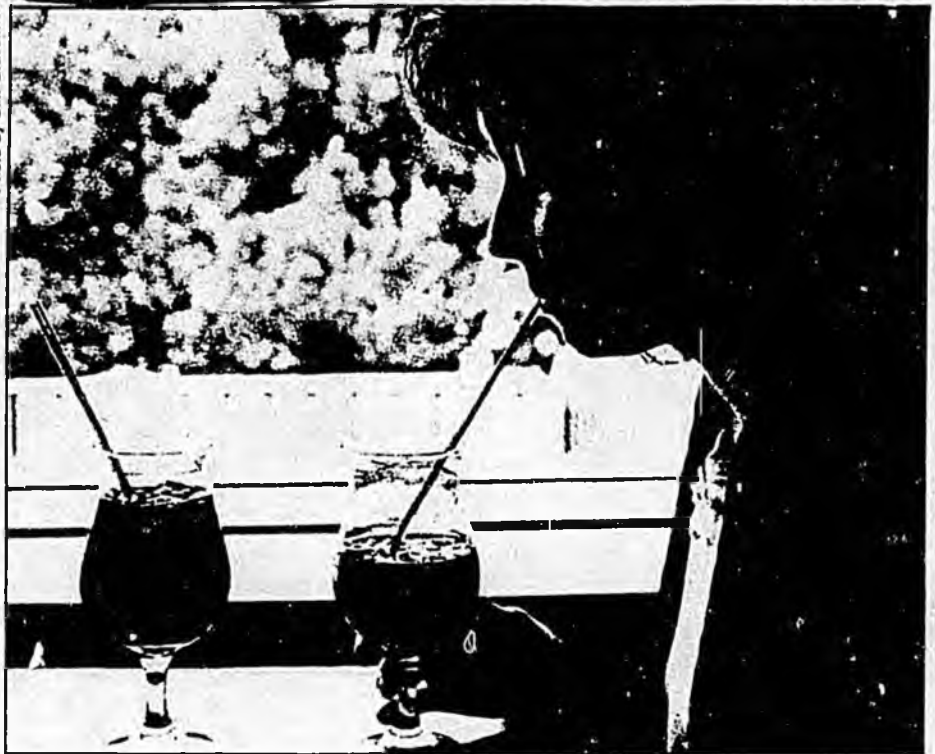
When the short-term pressures caused by the AT&T divestiture have ended, the Joint Select Committee's work can be taken over by the relevant standing committees or, if appropriate, by a new standing committee. In an era of cutback and consolidation, a carefully chartered study committee can be a needed and welcome legislative addition.

— Senator Al Williams

Senator Williams is chairman of the Joint Select Committee on Telecommunications and the Senate Energy and Utilities Committee of the Washington state Legislature.

'Happy hour' double or nothing

Photo by Cliff Grassmick



"Two-for-one" and half-price drink specials may someday be a social phenomenon of the past. The institution of "happy hour" is rapidly disappearing as a result of the escalating battle against drunk driving. While happy-hour bans vary in stringency, the message is clear: Overindulgence in alcohol is becoming less acceptable.

Four states — Arizona, Indiana, Kansas, and Oklahoma — have passed legislation this session limiting happy-hour arrangements, and bills were introduced in at least 17 other states. According to Oklahoma state Representative Don Duke, sponsor of that state's measure, a happy-hour law was necessary to "cut down on drunk driving and save lives."

Most happy-hour restrictions, however, are administrative regulations. Delaware, Massachusetts, Michigan, Nebraska, New Jersey, North Carolina, Ohio, and Texas, for instance, regulate drink promotions. George McCarthy, chairman of the Massachusetts Alcoholic Beverages Control Commission, says the potential to save lives justifies the burden of adopting and implementing happy-

hour regulations. Alcoholic beverage control agencies in Pennsylvania, Tennessee, and Virginia are also considering such bans.

Few laws contain the words "happy hour." New Jersey's Division of Alcoholic Beverage Control has a long-standing regulation that prohibits any practice "unduly designed to increase the consumption of alcoholic beverages" through rebates, coupons, or other discounts. Other laws target "two drinks for the price of one" or "all-you-can-drink" and "beat-the-clock" promotions.

The most restrictive regulation is found in Massachusetts. This much-publicized law specifically bans free drinks, delivery of more than two drinks at one time, unlimited drinks during set time periods, and the sale of pitchers of alcohol or beer to fewer than two persons. It also prohibits discounts to specific groups (such as "ladies' nights"), games or contests involving drinking, and increasing the size of a drink without increasing its price.

In general, brewers and distillers have reacted positively to these new laws. "We wouldn't oppose regula-

tions against practices that encourage over-consumption, such as drink-and-drown nights," says Ed Miles, director of state affairs for Anheuser-Busch, Inc. Miles does admit that bans on discounted drinks pose a dilemma for retailers of alcoholic beverages. "There is a place for responsible price promotion at the retail level to promote a particular brand or item," he says. "It is part of the spirit of competitiveness and benefits the consumer to allow the promotion of businesses and brands."

Indeed, many proprietors see happy-hour bans as an infringement on the free-enterprise system, according to Ronnie Hart, executive vice president of the Tennessee Restaurant Association, which opposes the Tennessee Alcoholic Beverage Commission's proposed happy-hour ban. "We're over-regulated as it is," says Hart. "We're people with products to sell and the government shouldn't tell us what the profit margin should be." Although unsure about how harmful such a ban would be to restaurant profits, Hart claims the issue is "the principle of the thing."

A similar attitude was partly responsible for the failure of a Florida measure that, among other things, would have prohibited the dispensing of free alcoholic beverages. Representatives of the hotel and motel industry lobbied against the bill, protesting that it would adversely affect their businesses by preventing hotels from offering complimentary drinks to guests. "The committee members felt it would interfere with free enterprise and we couldn't tell what good it would do," says Representative Wayne Hollingsworth, chairman of the House Alcoholic Beverage Subcommittee, whose members unanimously voted against the bill.

In Rhode Island, interference with free enterprise was the reason the governor's office and many legislators initially opposed Senator Richard Patterson's bill, which would have prohibited any change in alcoholic beverage prices during a given week. But Patterson amended the bill, and the new version was in-

corporated into a House bill sponsored by Representative Charles Baldelli. The new measure, which passed both houses June 21, allows restaurants to discount drinks that are served with meals.

As for the retailers, Senator Patterson said there had been some opposition from bar and tavern owners, but

"we actually thought there would be more." Apparently, many retailers have become reluctant to resist the growing movement against irresponsible drinking. — Michelle Kissell

Ms. Kissell is administrative/research assistant in NCSL's Legislative Information Services.

On-line access: Good-bye to legislative paper chasing

Paper chasing has always been a necessary — but burdensome — part of the legislative process. Now, in at least 11 states, lobbyists and lawmakers alike have a new way for the private sector to obtain timely information without the paper chase: direct, on-line access to select legislative data bases.

Alaska, Florida, Illinois, Kansas, Montana, Nevada, New Hampshire, New York, North Dakota, Oregon, and Virginia currently offer such access. Armed with a password and basic computer skills, private-sector users can verify the status of a bill or, in some instances, the wording of a statute, by connecting directly to the legislative computer.

In addition to charging for access, all states except Florida require users to provide their own computers.

The impetus for giving private parties access to legislative data bases has varied from state to state. According to Walter Kesselman, former executive director of the Illinois Legislative Information System and now acting director of Computer and Information Services for the University of Maryland (Baltimore County), Illinois first allowed private-sector access to free up legislative staff. Says Kesselman, "We wanted to get the lobbyists back in their offices and out of our staff offices. And we succeeded."

One of the two commissioners of the New York Legislature's Bill Drafting Commission, David Keiper, tells a different story. "People from

various walks of life — banking, insurance, unions — requested access," he says, giving rise to a test run: a 1984 pilot project successful enough to secure a permanent place for private-sector access. The state now has about 75 outside users. "We have lawyers, lobbyists, private corporations — even IBM is a customer," says Keiper.

Nevada Legislative Council Director Donald Rhodes describes another stimulus for allowing access. 1985 was Nevada's first year for private-sector access, as well as the first year for the Legislature's new information system. The two are interconnected.

"We were told by the vendor that we could offset the costs of purchasing the system," says Rhodes, "[by] selling the information to outside users. It was really just an extension of other services."

But for many states, the issue has not been so simple. In Kansas, cost has been an issue, as it has been in virtually all of the states. At present, Kansas charges only \$100 per session. "It's more of a token fee than a real charge," says Mary Chang, information systems specialist with the Office of the Revisor of the Statutes. "It doesn't actually recover costs." According to Chang, this policy is philosophically based: "The Legislative Coordinating Council wanted to make sure that the data was available to everyone."

In Montana, the issue was a nagging security problem. During the 1983 session, "We ran bill status and

Brewing Issue: Beer Promotions in College Pubs And at Concerts and Athletic Events Spark Debate

Continued From First Page

newspaper, and the University of Massachusetts at Amherst is rejecting distributors' offers to co-sponsor concerts. "We recommend that all beer advertising be taken out of student newspapers and sporting events," says William J. McCord, the director of South Carolina's Commission on Alcohol and Drug Abuse.

Colleges also are drafting rules for beer promotions. The Inter-Association Task Force on Alcohol Issues, made up of several national associations involved in student affairs, in 1983 called on brewers to rid their promotions of sexism, stop emphasizing heavy drinking and to support campus alcohol-education programs.

Anheuser-Busch, Heileman, Coors and Stroh Brewery Co. drafted their own guidelines for their distributors, patterned after the task force's. Alan Easton, Miller's vice president of corporate affairs, says the company leans on its distributors to stick to the guidelines, but he concedes that policing is difficult, especially in bars near campuses. "The promotions we tell them they shouldn't be doing are exactly the things they feel are necessary to attract the young crowd," he says.

Brewers increasingly also are helping finance so-called responsible-drinking programs on campuses. Anheuser-Busch recently opened an informational campaign called "Know When to Say When" that stresses moderation. Since 1976, Miller has contributed \$500,000 to an alcohol-abuse program with chapters on 180 campuses.

But that is a small fraction of what the industry spends to promote beer, so critics charge that brewers merely are trying to head off tougher regulation. Indeed, in a bulletin to its 750 Miller distributors last March, Leonard J. Goldstein, the sales vice president, cautioned that obeying campus marketing guidelines "is critical to preserving our ability to conduct business in the important college market."

Support of Activities

Brewers have promoted on campus for decades, of course. Anheuser-Busch's Mr. Roarty began his career with the brewer as a University of Detroit campus representative in 1953. But promotional efforts became more aggressive in the early 1970s, when the states began to lower the drinking age and brewers generally adopted advanced marketing techniques. "It was about that time the companies started to support intramurals, campus unions, dances and parties," recalls Gary North, the University of Illinois vice chancellor of student affairs.

Now, for example, Moosehead beer, which is imported from Canada by All Brand Importers Inc., provides Boston University's 500-member ski club with Moosehead merchandise and beer at cost, says James Harrington, the club's vice president. The distributor also offers the club use of a Moose costume. "If we have a club meeting, we can have someone standing around in the costume," Mr. Harrington says.

The industry provides a promotional blitz for spring break, too. Together with tourism officials in Florida and other spring-break destinations, brewers offer promotional trips and beach concerts. Miller runs recycling campaigns on Fort Lauderdale Beach, trading Miller merchandise and free calls home for empties and rubbish. Anheuser-Busch grabs stu-

dents' attention along routes to spring-break destinations with coffee-break stops. "Students can pull in, enjoy a cup of coffee and a doughnut and call home," says Mr. Roarty. "No alcoholic beverages are served."

At scores of campuses, brewers help promote athletics. Compliments of Anheuser-Busch, Boston College gave out 1,000 pompoms and 5,000 bandannas—with the Bud logo and the college's eagle mascot—at two football games last year.

Sara Groden, the college's director of sports promotions, says she also negotiated about \$15,000 of promotions from Anheuser-Busch to support sports that lack the high profile of basketball and football. The brewer "will give away things that we can't afford" and help attract crowds, Miss Groden says. Also, "the coaches will send those things out to recruits," which "makes the sport look real important," she says.

Role of Reps

Campus representatives are the brewers' direct link to campus activities, and Miller employs 120 of them. Heileman and Anheuser-Busch employ even more. Boston College's Mr. Marrocco is one of 14 students who promote Miller at major Boston-area colleges, including Harvard, Tufts, Boston University and Northeastern. For \$50 a week, Mr. Marrocco peddles Miller brands to fraternities, dormitories and student-activities directors and also monitors the competition.

Mr. Marrocco has helped Miller book two promotional nights at the campus pub, where manager Michael O'Brien allows one such promotional night a week. They "keep giving us promotional stuff" like painters' caps and T-shirts that draw students to the pub, he says. (The giveaways are tax-deductible for brewers.)

Not all brewers' promotions are welcome. Boston College's student government, which runs student activities on a budget of \$275,000, is torn over whether to accept Miller's co-sponsorship of a campus concert. Some members "see it as student government promoting alcohol," says Jeffrey Thielman, the president. But a large concert costs about \$20,000, so having a co-sponsor is appealing, he says.

Still, administrators don't like the idea. "I'm concerned about institutionalizing alcohol," says Carole Wegman, the college's director of student programs and resources and she opposes Miller's support.

Shootout Is Shot Down

Similarly, at the University of Southern Illinois, Anheuser-Busch's \$40,000 "Busch Shootout" basketball tournament caused considerable opposition last school year. The many Anheuser-Busch posters and other merchandise made the basketball arena look like a bar, says Mr. McKillip, the psychology professor who opposes beer promotions. "Universities are in a bind because they have athletic programs beyond their budgets," he says. "So they are willing to take any money they can." But the opposition has caused Busch to pull out of the shootout promotion this year.

Miller's promotion of a rock concert on the campus also caused a furor, especially a 20-foot-tall inflated replica of a beer bottle that hovered above the campus. "That was simply more than we felt we could engage in," says Bruce Swinburn, the college's vice president of student affairs. But Miller does still support some student ac-

tivities, he says.

Beer advertising in student newspapers also draws criticism. At the University of Minnesota, the Minnesota Daily "accepts a lot of ads from bars that literally say skip your class and come and drink," says James Rothenberger, a public-health professor.

Ad Is Withdrawn

His file of ads that he finds offensive includes one for Grandma's Saloon & Deli that shows a man and woman amid bacchanalian revelry. Its message: "Because some nights you don't feel like studying. Or is it most nights?" A large Miller ad shows a student dashing from his dorm-room desk as a radio blares, "Repeating . . . due to a computer foul-up, finals week will be postponed." In the foreground are a bottle and a mug of Miller and the familiar "Welcome to Miller Time" slogan.

Miller's Mr. Easton says the brewer pulled the ad after it ran in several college newspapers. "It got out there, and it probably shouldn't have," he says. But he defends an ad for Miller's Lowenbrau brand that Mr. Rothenberger of Minnesota also found disturbing. The ad shows two roommates helping a third student study, with an inset of the trio and two women drinking at a bar afterward. Mr. Easton concedes, "There's a very thin line between doing appealing, impactful ads and intruding on the purpose of student life."

In some promotions, however, the line isn't all that thin. Miller once offered to have its six-member sky-diving team, called the Six Pack, bail out of a plane, land at a Boston College football game wearing uniforms with the Miller logo, and deliver the game ball to the referee. Not to be outdone, Anheuser-Busch proposed throwing can openers with the Bud logo into the stands.

Boston College declined both offers.

American C...

THE RALEIGH TIMES

Phone 829-4500

Raleigh, North Carolina, Saturday Afternoon, Dec. 1, 1984

Opinions differ on happy hour dangers

By LUCY INMAN
Times staff writer

Blair Ligon, a 28-year-old graphic designer, ended his workday Wednesday as he does every Wednesday — with a couple of drinks at the Rathskeller restaurant's happy hour.

"This is a refreshing pitstop from the mad rat race," said Ligon, who for the past year has been meeting a dozen or more of his friends at the Hillsborough Street restaurant for the same weekly purpose.

"It's just a good time," Ligon said. "It's one of the few rituals left in my life."

Ligon arrived at the happy hour about 6:20 p.m. and bought two vodka screwdrivers by 7 p.m., when alcohol prices go back to the normal price. Asked if the reduced prices for drinks contribute to the amount he imbibes, Ligon said "Sure." For some in the group, cheap prices justified buying four or five drinks.

Ligon, who also drank two non-alcoholic drinks before leaving his friends, said he has little trouble driving safely from happy hour to home about three miles away.

In Massachusetts, the happy hour ritual will soon be outlawed. Lawmakers in that state passed a law effective Dec. 10 banning

happy hour discounts on drinks. The law is aimed at curbing drunk driving.

Raleigh area law enforcement officials differ on whether happy hours are dangerous.

Raleigh Police Chief Frederick K. Heineman said he thinks happy hours might spare this community from some other dangerous situations.

"Without happy hour you might have more wife beatings and child abuse cases," he said. "I personally like happy hour."

Heineman said he doesn't think happy hours are linked to an increased amount of drunk driving. "People are going to drink.

If anything, happy hours influence which bars people go to to drink. They don't create drinkers, just like lowering the tax on cigarettes wouldn't create smokers."

"By raising the drinking age (from 18 to 19) hopefully we've achieved a more mature group of drinkers," he said. "Adults ought to be able to take care of themselves. But if they don't, we are still going to stop them," he said, noting that his preference for such promotions doesn't limit his assertiveness for safety's sake.

Other law enforcement officials think

See OPINIONS, page 2-A

Opinions differ on happy hour dangers

Continued from page 1-A

some adult motorists are not responsible enough to be tempted by cheap drinks. "Some might drink more than they normally would with this type of special, and that could lead them to be impaired on the road," said Lt. Arnold W. Rector, traffic safety information officer for the State Highway Patrol.

Rector said a law like the one in Massachusetts would have a "psychological effect" like that of the Safe Roads Act. "It appears that it would make a substan-

majority of arrests for driving while impaired and the majority of alcohol-related accidents occur between 11 p.m. and 3 a.m.

While most customers and sellers of alcoholic beverages say happy hour prices alone don't cause extra drinking, they agree that the early evening and late night happy hours have created new crowds for bars that otherwise might depend on rushes of businesses during peak eating and drinking hours. And some say the attraction may encourage more drinking.

ough Street, happy hour is called "Fun Time." During Fun Time, from 4 to 7 p.m. and from 10:30 until closing, prices are reduced for both beer and many mixed drinks.

Some businesses have brought in too much business with happy hours. Crowley's Old Time Favorites, a neighborhood bar and restaurant on Medlin Drive, recently ended its all-night happy hour on Mondays because the business' receipts for alcohol were dangerously approaching the legal limit — 50 percent of business.

deals, however, because he doesn't like the idea of happy hour promotions. "It is not a proper thing for someone who is licensed by the state to do," Hazouri said. "I think we should set a good example, and I don't think it's necessarily a good example to link alcohol with fun."

Some other bar owners agree with Hazouri, and most say they wouldn't mind stopping happy hour.

"There are certain people that only come for specials and that's not the type of customer that bars really want," said Swanson. "We'd be successful without

Blair Ligon, a 28-year-old graphic designer, ended his workday Wednesday as he does every Wednesday — with a couple of drinks at the Rathskeller restaurant's happy hour.

"This is a refreshing pitstop from the mad rat race," said Ligon, who for the past year has been meeting a dozen or more of his friends at the Hillsborough Street restaurant for the same weekly purpose.

"It's just a good time," Ligon said. "It's one of the few rituals left in my life."

6:20 p.m. and bought two vodka screwdrivers by 7 p.m., when alcohol prices go back to the normal price. Asked if the reduced prices for drinks contribute to the amount he imbibes, Ligon said "Sure." For some in the group, cheap prices justified buying four or five drinks.

Ligon, who also drank two non-alcoholic drinks before leaving his friends, said he has little trouble driving safely from happy hour to home about three miles away.

In Massachusetts, the happy hour ritual will soon be outlawed. Lawmakers in that state passed a law effective Dec. 10 banning

aimed at curbing drunk driving. Raleigh area law enforcement officials differ on whether happy hours are dangerous.

Raleigh Police Chief Frederick K. Heineman said he thinks happy hours might spare this community from some other dangerous situations.

"Without happy hour you might have more wife beatings and child abuse cases," he said. "I personally like happy hour."

Heineman said he doesn't think happy hours are linked to an increased amount of drunk driving. "People are going to drink

bars people go to to drink. They don't create drinkers, just like lowering the tax on cigarettes wouldn't create smokers."

"By raising the drinking age (from 18 to 19) hopefully we've achieved a more mature group of drinkers," he said. "Adults ought to be able to take care of themselves. But if they don't, we are still going to stop them," he said, noting that his preference for such promotions doesn't limit his assertiveness for safety's sake.

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Rector said a law like the one in Massachusetts would have a "psychological effect" like that of the Safe Roads Act. "It appears that it would make a substantial contribution to safety of North Carolina highways," he said. "Personally I would support legislation like that."

The time of many happy hours — late afternoons — is dangerous because that's also rush hour, Rector said. "Just imagine rush hour around Raleigh. It takes a sober, sane and patient driver to drive under those conditions. And realize that the first effects of alcohol is on the judgment," he said.

According to local and state statistics, the

majority of arrests for driving while impaired and the majority of alcohol-related accidents occur between 11 p.m. and 3 a.m.

While most customers and sellers of alcoholic beverages say happy hour prices alone don't cause extra drinking, they agree that the early evening and late night happy hours have created new crowds for bars that otherwise might depend on rushes of businesses during peak eating and drinking hours. And some say the attraction may encourage more drinking.

Many Raleigh bars and restaurants have happy hours to bring in customers during slow times.

At Ferrari's, a popular bar on Western Boulevard, offers "Beat the Clock" every Thursday.

"Beer starts at 25 cents at eight o'clock and goes up a quarter every hour," Ferrari's owner Paul Swenson said in a interview.

At the Darryl's restaurant on Hillsbor-

ough Street, happy hour is called "Fun Time." During Fun Time, from 4 to 7 p.m. and from 10:30 until closing, prices are reduced for both beer and many mixed drinks.

Some businesses have brought in too much business with happy hours. Crowley's Old Time Favorites, a neighborhood bar and restaurant on Medlin Drive, recently ended its all-night happy hour on Mondays because the business' receipts for alcohol were dangerously approaching the legal limit — 50 percent of business.

"We were selling too much alcohol," owner Patrick Crowley said. On Saturday and Sunday night happy hours, the bar has standing room only.

At Mitch's Tavern on Hillsborough Street, owner Mitch Hazouri said he doesn't like happy hours. Hazouri said that when he raised the price of beer a couple of years ago, "I just didn't raise it for the crowd that comes before eight."

Hazouri said he doesn't advertise any

deals, however, because he doesn't like the idea of happy hour promotions. "It is not a proper thing for someone who is licensed by the state to do," Hazouri said. "I think we should set a good example, and I don't think it's necessarily a good example to link alcohol with fun."

Some other bar owners agree with Hazouri, and most say they wouldn't mind stopping happy hour.

"There are certain people that only come for specials and that's not the type of customer that bars really want," said Swenson. "We'd be successful without happy hours," he said. He said revenue wouldn't decrease even if the amount of alcohol did because there would be no discounts.

"Places would just have to find another way to compete," Swenson said. But he said he doesn't like the idea of added government regulation in such an unlikely area. "When is somebody gonna be responsible for themselves?"

How to Combat Drunkenness

ESSAY
William Safire

Office
Pool,
1985

By Morris E. Chafetz

WASHINGTON—Almost everyone believes that the tough Scandinavian approach to drunken driving is the answer to an old and worrisome problem that is accentuated each New Year's Eve. I think they are wrong. In the long run, a broad effort to educate the public on how to control drunkenness would be far more effective.

Recent studies of drunken driving show that tough laws, strict enforcement and swift punishment do work, but only in the short term. In Sweden, for example, drunken-driving arrests are down, but fatalities from drunken-driving remain the same.

Police in Michigan and Delaware report that a much higher level of drunken-driving arrests doesn't significantly alter the statistics on drunken-driving deaths and injuries. H. Laurence Ross, author of "Detering the Drunken Driver," explained the apparent incongruity when he wrote that an estimated 5,000 alcohol-impaired miles are driven for every arrest, and 330,000 miles of drunken driving takes place for every fatality.

Another Scandinavian approach—that of using "designated drivers" who agree not to drink in order to drive others home—is being embraced in this country. However, there is an alarming side-effect: drinkers who know they won't have to drive take the arrangement as a license to get drunk. A recent acceleration of alcohol problems in Sweden may be an unexpected outcome

Morris E. Chafetz, a physician and president of the Health Education Foundation, was chairman of the prevention and education committee of the Presidential Commission on Drunk Driving from 1982 to 1983.



Mark Ulrich

of the designated-driver program.

We are also experimenting in dangerous waters with the recent Federal law requiring states to raise their drinking ages to 21 or lose Federal highway assistance. This kind of Federal blackmail subverts the intent of the 21st Amendment, which not only

repealed Prohibition but specifically forbade the Federal Government to meddle in states' alcohol policies. Since young people can easily get marijuana and other illicit drugs, why do policy makers think they won't be able to buy alcohol?

If saving lives is the rationale be-

hind raising the national drinking age, there is an easier way to do it. "Raising the drinking age can save only 5 to 15 percent of teenage auto fatalities," says Yale's Leon Robertson, "but raising the driving age can spare 65 to 80 percent." We should establish a single majority age so that alcohol doesn't stand out as a major attraction to the young.

To stop drunken driving, all of us must become part of the solution. We can do this through education. We've already shown people how they can

WASHINGTON

Here, for the high rollers of punditry, is the office pool in Cassandra's Casino. Nobody ever gets more than four correct, but when you hit on a big one, all the predictions that went awry are washed away.

1. White House chief of staff at 1985's end will be (a) James Baker; (b) Michael Deaver; (c) Richard Darman; (d) Robert McFarlane; (e) William Clark.

2. The juiciest political scandal of 1985 will involve (a) illegal eavesdropping; (b) money under the table; (c) leak-plugging lie-detection excesses; (d) sexual favoritism.

3. The real increase in defense-budget authorization will wind up (a) 7 percent or over, as President Reagan seeks; (b) a compromise between 4 and 6 percent; (c) under 4 percent for the first time since Jimmy Carter.

4. The amendment that will pass is the (a) balanced budget; (b) school prayer; (c) anti-abortion; (d) none.

5. The Administration will succeed in getting (a) funding for contras; (b) substantial tax simplification; (c) big cut in Medicare costs; (d) funding for the MX missile; (e) none of these.

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Mark Urtich

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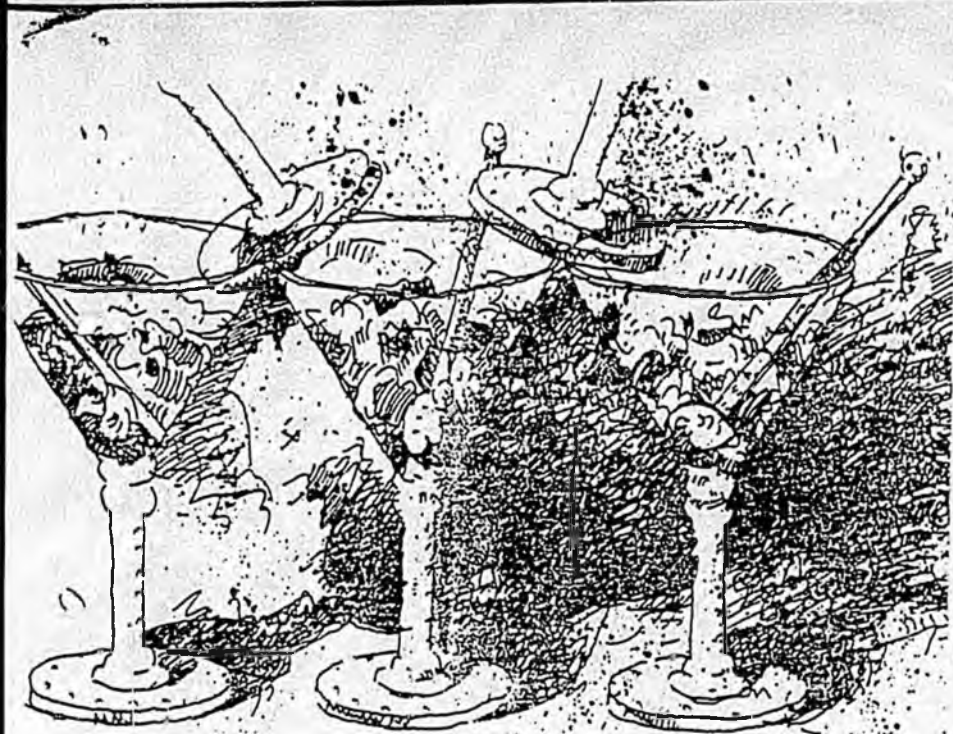
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Mark Ulrich

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To stop drunken driving, all of us
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 preserve their health by quitting
 smoking, exercising, eating better
 and reducing stress. We teach un-
 skilled people how to save lives with
 the Heimlich maneuver, cardio-pul-
 monary resuscitation and various
 life-saving measures.

Why not use similar techniques to
 combat drunkenness? We already
 have easily learned techniques on
 how to spot, interrupt and prevent im-
 pending intoxication. We can't look
 away when family members, friends,
 colleagues and co-workers overdose
 with alcohol and become dangerous
 to themselves and others.

Alcohol is a drug — a central nerv-
 ous system depressant — not far re-
 moved pharmacologically from bar-
 biturates. Yet people feel free in dis-
 pensing it recklessly and irresponsi-
 bly. By calling alcohol a drug I'm not
 calling it a dirty name. My feelings
 about alcohol are similar to those of
 Winston Churchill, who once said, "I
 have taken more good from alcohol
 than alcohol has taken from me." I
 contend that society has taken more
 good from alcohol than alcohol has
 taken from society.

A landmark decision of the New
 Jersey Supreme Court that holds so-
 cial hosts liable for the actions of
 guests who get drunk forces us to
 realize that people around the drinker
 contribute to the state of drunken-
 ness. Consumer activists tell us that
 businesses should be responsible for
 their products and services. The
 court's 6-to-1 decision tells us that we
 are responsible for the behavior of
 our drinking guests.

When people no longer feel that get-
 ting drunk is an acceptable part of
 drinking, and when the liquor and
 hospitality industries train their em-
 ployees in responsible sale and serv-
 ice, drunken driving will cease to be a
 major social problem. Perhaps the
 increasing threat of litigation, follow-
 ing the New Jersey decision, will fi-
 nally bring us to our social senses. □

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 be (a) heart-transplant surgery; (b)
 Halley's comet; (c) Wall Street; (d)
 Flutie.

9. Democrat leading for Presiden-
 tial nominee in the early surveys of
 party officials will be (a) Gary Hart;
 (b) Ted Kennedy; (c) Mario Cuomo;
 (d) Joseph Biden; (e) Bill Bradley.

10. Israel will (a) have a new gov-
 ernment; (b) adopt the austerity-
 free market ideas that will trigger
 massive U.S. aid; (c) neither; (d)
 both.

11. The faction within the Reagan
 Administration that will emerge as

If
 you don't
 play,
 you can't
 hoot

predominant will be (a) Weinberger-
 Clark-Casey-Kirkpatrick; (b) Shultz-
 Baker-Baldrige-McFarlane; (c)
 Mike Deaver and Nancy Reagan; (d)
 a continuing standoff among these
 three.

12. The Strategic Defense Initiative
 (a) will still be hooted at as "Star
 Wars" and will not be funded; (b)
 will be used as a bargaining chip to
 reduce Soviet land-based missile ad-
 vantages; (c) will be the centerpiece
 of U.S. defense planning.

13. The Soviet leader at year's end
 will be (a) Chernenko; (b) Gorbachev;
 (c) Romanov; (d) Grishin;
 (e) Ogarkov.

14. The People's Republic of China
 will (a) make a surprise deal with
 Taiwan; (b) dispense with chop-
 sticks; (c) have a rapprochement
 with the Russians; (d) continue on
 the nationalist road; (e) have this dec-

promotions, though, is the recent national law requiring states to raise the drinking age to 21 by 1986 to avoid losing federal highway funds. The higher age, which 31 states either already enforce or will enforce soon, in effect outlaws drinking by many of the nation's 12.5 million undergraduate and graduate students.

Generally, however, campus beer promotions continue, even in states that have raised the drinking age. The campus is a crucial battleground for brands trying to capture lifetime fans. "Brand preferences for beer and other consumer products are developed from age 18 to 24," says David Lewenz, G. Heileman Brewing Co.'s manager of young-adult marketing. Winning market shares is all the more crucial now, because sales are declining in the \$12 billion beer industry.

A Right to Advertise?

Because as many as 60% of college students legally may drink, says Mr. Roarty of Anheuser-Busch, "we think we have a right to advertise to those people." Heileman's Mr. Lewenz adds, "What we say is that when you come of legal age, we hope that you purchase our product."

Most universities allow the promotions, citing traditions of openness and a responsibility to help students deal with alcohol. But colleges clearly have a problem.

"In a free-enterprise system, people are free to promote and advertise products that aren't outright harmful," says Stephen Nelson, Dartmouth College's director of student activities. Yet, he wonders, with students at an age when heaviest drinking occurs, "are we heightening that vulnerability?"

Heavy drinking has long been implicated in vandalism, bad grades and occasional student deaths. Of 1,563 students responding to a survey last spring, more than half were heavy beer drinkers, consuming five or more beers a week, says Cass Communications Inc., an advertising representative for college newspapers.

Effect on Students

John McKillip, a psychology professor at the University of Southern Illinois, says his research shows that a fifth of the university's 20,000 students test poorly or skip class at least once a month because of heavy drinking. Colleges that allow or participate in beer promotions, he says, are "like hospitals running ads for cigarettes in their in-house publications."

Then, too, colleges worry about the liability they may face when drinking students harm themselves or others. Delaware Valley College of Science and Agriculture recently was cleared of liability in a case that resulted from a highway accident involving a student who had been drinking at a sophomore class picnic. But such cases are causing concern among college administrators, according to the National Association of College and University Attorneys.

"Practically every university is encountering alcohol abuse," says the Rev. Edward J. Hanrahan, the dean of students at Boston College, a Jesuit institution with 12,500 students. "We are looking to see if the promotions are contributing to abuse."

Some colleges already have concluded that they are. The University of South Carolina is banning beer ads in the student

POSITION PAPER

SENATE BILL 138

"An Act relating to pricing and promotion of alcoholic beverages."

From a public health perspective the Department of Health and Social Services is highly supportive of SB 138. Research supports the contention that lower prices of beverage alcohol leads to higher consumption resulting in increased alcohol health-related problems.

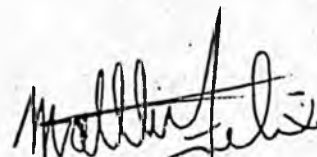
The effect of alcoholic beverage pricing and promotional activities are to increase consumption via lower prices, creating settings conducive to more drinking. The timing of such promotions, often occurring in the early evening following the work day, can also enhance the effects of alcohol since drinkers are often tired and haven't eaten. These situations also contribute to drinking and driving. This is particularly true in Alaska where the automobile, as opposed to public transportation, is the primary method of transportation. Additionally, crowded situations brought on by Happy Hours make it difficult for drink servers to determine whether patrons are of legal age or are intoxicated.

As of 1984, 12 states had restricted alcohol-price promotions to at least some degree and twenty states were considering such legislation. In recent years several military installations have banned Happy Hours as a strategy for reducing the rates of alcohol problems they were experiencing.

In a 1977 study Harvard researchers indicated that both casual and heavy drinkers consumed about twice as much alcohol under Happy Hour conditions than did their counterparts under non-Happy Hour conditions.

The Department would be pleased to provide any additional information relating to SB 138.

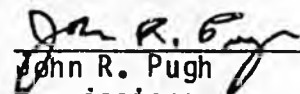
Recommended by:


Matthew C. Felix
Coordinator
Office of Alcoholism/
Drug Abuse

Date:

2/19/86

Approved by:


John R. Pugh
Commissioner
Department of Health
& Social Services

Date:

2/19/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 138
 Title : "An Act relating to pricing and promotion of alcoholic beverages."
 Sponsor : V. Fischer
 Requestor : Senate State Affairs Committee
 Date of Request : 2/8/86

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : Alcoholism and Drug Abuse
 Components : Alcohol Abuse

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Matthew C. Felix *Matthew C. Felix* Phone : 586-6201
 Division : ALCOHOL & DRUG ABUSE Date : _____

Approved by Commissioner : John R. Pugh *John R. Pugh* Date : 2/19/86
 Agency : HEALTH + SOCIAL SERVICES

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)