

Report on 2009 RRForum

The 7th RRF national meeting was held in New Orleans, LA on April 21-22, 2009 at Hotel Monteleone. 89 stakeholders from 32 states and the District of Columbia attended. The LA Office of Tobacco and Alcohol Control, Murphy J. Painter, Commissioner, served as conference host.

I. The 1st session, as always, addressed the work of the **Retailer Work Group (RWG)**. The RWG consists of representatives of (1) national chains that have executed Assurances of Voluntary Compliance (AVCs) with 43 state attorneys general, (2) their training and mystery shop providers, (3) state attorneys general, (4) regulators and (5) researchers, who meet twice a year to examine operational and performance measurement issues. This year, the RWG session addressed three issues:

- i. Mystery Shopper data. RRF has been analyzing aggregated data from tobacco mystery shop inspections of the AVC signatory chains. Brad Krevor, RRF, summarized this data, which found overall Pass rates of 70.5% for 2008, almost unchanged from the 70% in 2007. Note that these Pass rates involve the use of > age 18 inspectors and not < 18 inspectors employed by law enforcement. Analysis of data from one large chain reinforces earlier findings that ID-checking rates decline as the age of the inspector rises. (See [Mystery Shop data PowerPoint presentation](#)).
- ii. Tennessee passed legislation that requires an ID check for anyone purchasing beer. Rick Foge of the TN Malt Beverage Association provided the legislative context of the bill's introduction and passage and described the results of a 4-question survey that asked TN licensees and other stakeholders how strongly they agreed or disagreed that (1) they had supported the bill before it became law, (2) the law made it easier to train employees to check IDs, (3) the law improved ID-checking, and (4) the law had reduced the ability for <21 to purchase alcohol. Survey results showed both strong support for, and skepticism about, the law. (See [Tennessee mandatory ID-surveys](#)). No data is being taken in TN that evaluates the law. And some changes have been made to the law that accommodates older customers. But one benefit of the law appears to be that customers are more aware of the problems of underage access to alcohol.
- iii. Emily Garcia of Altria Client Services presented an overview of Philip Morris USA's underage tobacco sales prevention program that include elements designed to prevent underage tobacco sales among tobacco retailers. The program covers 210,000 retail outlets. Key elements of this program include efforts designed to ensure retailers understand tobacco sales laws; requirements with regard to posting signs, conducting training and generally following Altria's program guidelines. Following Emily's presentation, Read deButts of the Coalition for Responsible Tobacco Retailing, Inc. presented an overview of the We Card Program. Since 1996, the We Card Program has trained hundreds of thousands of retailers through classroom, web-based and video/CD training efforts — all of which require a post training test to earn a certificate of proficiency.

II **Systems Research**. Since 2003, RRF has been developing and evaluating an operational model that incorporates recommended RR practices. Brad Krevor presented results of a 2 year Phase 2 pilot project in Albuquerque, NM, Iowa City, IA and Waltham, MA. Data from these pilot

sites—and from Respect 21, a similar model developed by Brandeis University and RRF for MillerCoors for use by its distributors—show a significant improvement in ID-checking. The presentation addressed what has been learned about RR and ways in which the model could be scaled up. This would involve some entity to serve as a “driver” to engage licensees in the RR model and to operate the program. Such drivers could be a (1) the licensing commission, (2) retail association, (3) distributor, (4) a community-based prevention or (5) RRF itself or another 3rd party operator. The next phase of the work will be to implement such systems at the level of city and county. The [System Research PowerPoint presentation](#) is included, as is the [RR Systems Project Year-2 Report](#).

III. Regulators and Retailers was a panel that examined retailer issues from the perspective of state alcohol regulators. John Freeman of Utah Dept. of Alcohol Beverage Control offered that the state-run liquor stores publish their compliance check results and aim for a policy of 100% compliance. Lisa Scates of Montana Dept of Revenue-Liquor Control Division discussed clerk training and their experience that once electronic ID-scanners are put in place, clerks grow lax in checking IDs and determining that the ID belongs to the customer. (A number of regulators have noticed that reliance upon technology can have the unfortunate effect of diminishing clerk attention.) Rudy Williams of the Oregon Liquor Control Commission discussed that state’s Responsible Vendor Program, which rewards licensees that have demonstrated their adoption of RR practices and standards. Steve Waldo of Vermont Dept of Liquor Control discussed a “restorative justice” approach to non-compliant retailers: a citation is resolved in part by adopting RR practices that will reduce the likelihood of future citations. All the regulators emphasized that (1) state alcohol beverage control boards are interested in keeping licensees in business, not putting them out of business, and that (2) prevention agencies and coalitions are important stakeholders and that ABCs must reckon with local community concerns about licensee conduct; and prevention agencies can be important allies in engaging retailers in RR practices.

IV. Recommended Practices for On-Premises Licensees. Steve Schmidt of NABCA, Kathie Durbin of Montgomery County (MD) Liquor Control Board, Mark Willingham of Alcohol Solutions LLC and Dan Gilbertson, Hospitality & Beverage Institute, discussed the report being developed by RRF and NABCA. The On-Premises report is a companion to the Recommended Practices for Off-Premises Alcohol Establishments completed by the Retailer Work Group and posted to RRF as well as the FTC’s WEDONTSERVETEENS.GOV web site. Mark Willingham presentation focused upon on dram shop liability as an effective control mechanism encouraging beverage retailers to implement responsible retailing practices since criminal sanctions and administrative action against beverage retailers who over-serve patrons and who allow patrons to leave the premises intoxicated have been largely ineffectual. The practices identified in the report will effectively establish standards of care for licensees. See Mark’s Dram [Shop PowerPoint presentation](#).

V. Retailers and Communities. Charles Curie of The Curie Group LLC, moderated an examination of models in which youth prevention organizations are implementing a retailer assistance model. MaryAnn Harakall of the ME Office of Substance Abuse described Card Me, a program based upon RRF’s *Planning Tool for Retailers*® that enables community-based coalitions and agencies to assist retailers in identifying and adopting Best Practices for preventing underage sales and providing them feedback on staff performance in checking IDs

and refusing underage sales. Lisa Grace Giuffra of the Santa Fe Drinking Prevention Alliance described the use of the RRF protocol for pseudo-intoxicated mystery shops to provide feedback to off-premise licensees on staff conduct when apparently intoxicated customers attempt to purchase alcohol. Mike Lowther of the Center for Substance Abuse and Prevention, Division of State Programs explained that the Strategic Prevention Framework needs assessment process that SAMHSA (introduced to states during Charles Curie's tenure as SAMHSA Administrator) was intended to allow states and communities to identify just such community needs and programs that Maine and New Mexico had pursued in these programs. The 2008 RRF in Pittsburgh had focused upon the importance of involving community-based public health and prevention agencies in RR efforts; and the programs developed in Maine and New Mexico indicate how substantial this opportunity can be for engaging public health/prevention to work with retailers in a quality improvement approach to RR.

VI. Brown Jug retailer incentive model. OC Madden of the Brown Jug package store chain in Alaska received RRF's first distinguished retailer award for the program that allows Brown Jug and other retailers to take actions against individuals (minors and adults who furnish alcohol to a minor) through a non-criminal complaint process. Information on this remarkable approach, which rewards employees for interdicting unlawful sales, appears on the RRF web site (see [video](#)). John Bodnovich of American Beverage Licensees, representing independently owned and operated package stores and restaurants / taverns in 40 states, expressed the keen interest of his state chapter members in replicating a Brown Jug model. Marlene Trestman, Special Assistant to the Maryland Attorney General, offered a detailed analysis of the Alaska statute under which Brown Jug operates and enumerated some of the concerns about giving such authority to a licensee (see [Trestman Analysis](#)). Lt. Steve Champion of the Waltham, MA Police Department, and Waltham package store owner Tom Williams described a variation of the Brown Jug model that has been proposed for Waltham that would retain incentives for clerks and wait staff to prevent unlawful sales without giving such broad power to retailers (See [Waltham Brown Jug approach](#)).