

**ROBERT DIERKS SHERIFF**

300 East Main  
Independence, KS 67301  
(620) 330-1000



**RICHARD GEORGE UNDERSHERIFF**

P.O. Box 1629  
Coffeyville, KS 67337  
(620) 251-1126

February 12, 2015

From: Detective Sergeant Chris Williams, Montgomery County Sheriff's Office

Re: Opposition to House Bill 2200

Thank you for the opportunity to share my concerns about House Bill 2200. This bill will change many of the approximately 2000 off-premise cereal malt beverage licensees into strong beer retailers, and others into strong beer, wine and spirits retailers in Kansas. While the current licensing and regulation of cereal malt beverage licensees rests with the cities and counties of Kansas, these new licenses will be controlled by the State.

In general, I am concerned about relaxing Kansas liquor laws and the additional regulatory burden that will put on the local policing agencies. Specifically, I am concerned that relaxing Kansas liquor laws makes alcoholic liquor (strong beer, wine and spirits) more accessible to those who don't generally have that access today – individuals under 21 years of age.

We don't hear much in the news lately about the problems of underage drinking, but I can assure you that it is still a problem in our communities.

It is not a good idea to ask an 18 year old to have to sell a 21 year old only product. They are put in a position to choose whether or not to sell alcohol to someone who is older than them – 19 or 20. They would also have the responsibility of deciding if adult customers were impaired. Obviously, they sell cigarettes today, but the legal age for tobacco is 18 years of age and cereal malt beverages attract less demand.

There are unintended consequences of placing alcoholic liquor products on the shelves of businesses with less supervision. When the State of Washington deregulated their alcohol sales (formerly a control state) and put alcohol on the shelves of grocery stores and other retailers, they experienced a dramatic increase in shoplifting. See article attached.

In our region, we have serious problems with methamphetamine use. The majority of the products used for meth production is shoplifted from retail outlets. If they are unable to prevent meth ingredients from being shoplifted, what indication is there that they could stop shoplifting of liquor items?

It has been my experience, liquor stores go to great pains to have reliable employees of good moral character and they work to keep them around. This is not the nature of other retail businesses.

Expanding the sale of strong beer, wine and spirits to other retail establishments – grocery stores and big box stores, drug stores and Dollar stores – will require additional enforcement. Selling strong beer at outlets currently selling cereal malt beverage will also require a change in enforcement.

Currently, our department doesn't initiate controlled buys without the assistance of the Division of Alcoholic Beverage Control. It requires a special knowledge of the liquor laws. At this point, we have only one ABC agent covering multiple counties. I can't say that we have adequate enforcement at the State level today. And we certainly don't have the officers to pick up the burden at the local level.

House Bill 2200 does have a plan to share enforcement taxes with local governments, with the objective of replacing sales tax lost from reduced sales of cereal malt beverages. The plan is to share funds based on population. As I understand it, this formula will not be based on regional alcohol consumption, and it won't be earmarked to law enforcement. This is a concern to me, since I also serve as an elected member of our local city council.

There is no way to tell if our city and Montgomery County would receive more money, less money, or if any of it would be targeted to law enforcement. It may be just enough to replace what is lost from the sales tax - sales tax money that is already being spent on local needs.

The current liquor laws in Kansas set up a balance between regulation and oversight and the sale of adult beverages. A very recent study published in the New England Journal of Preventive Medicine stated that "Binge drinking rates are lower in states with strong alcohol policies." Kansas ranked among the top 6 states nationally for strong policies. The study used 2008 statistics, which placed the state of Washington among the top states. It won't take long to see if their recent deregulation measures take them out of that successful ranking.

Thank you for your attention to these concerns.

Sincerely,

Chris Williams

Detective-Sergeant, Montgomery County Sheriff's Department

More data:

A U.S. Dept. Of Justice report for The Office Of Juvenile Justice and Delinquency Prevention report states "survey studies on alcohol and young people consistently indicate that children and adolescents who are exposed to alcohol advertising have more favorable attitudes toward drinking, and are more likely to be underage drinkers". There will certainly be an increase in advertising that will result from the passage of HB 2556 that may shift our children's attitudes on strong beer, wine and spirits.

The U.S. Dept. Of Justice report also finds "restricting the density of alcohol outlets and their location is one way of decreasing consumption and related problems. Several studies have demonstrated the connection between the density of alcohol outlets in a community and the rates of violence, particularly among youth. Alcohol outlets can be restricted through limiting the number or density of outlets or through limiting the types of locations where alcohol may be sold."

## **Binge Drinking Rates Lower in States with Strong Alcohol Policies**

Source: LiveScience (This article was run by Fox News, Buffington Post, and many others) By  
Cari Nierenberg  
December 10, 2013

States with lower rates of binge drinking have stronger policies toward alcohol, a new study suggests.

This is the first study to relate alcohol policies within each U.S. state to the levels and likelihood of binge drinking in adults.

"We found that states with stronger and more effective alcohol policies had less binge drinking than states with weaker alcohol policies," said study researcher Dr. Timothy Naimi, an associate professor of medicine at Boston University's Schools of Medicine and of Public Health.

"Most states could be doing a lot better to address a leading cause of preventable deaths," Naimi said.

Alcohol is the third-leading cause of preventable death in the United States, after smoking and the combined effects of over-eating and inactivity, Naimi said.

There's a slight uptick in binge drinking during the holiday season, Naimi said. But it's a serious problem among adults year-round, responsible for more than half of the estimated 80,000 alcohol-attributable deaths that occur each year in the United States.

In the study, the researchers defined binge drinking as five or more drinks for men, and four or more drinks for women on one occasion during the last 30 days, which is the same definition used by a monthly health survey conducted by the Centers for Disease Control and Prevention.

The findings were published online today (Dec. 10) in the American Journal of Preventive Medicine.

## **Alcohol policies**

To find out whether varying policy environments in states across the country accounted for differences in binge drinking, researchers asked a panel of experts to rate the alcohol policies in 50 states and the District of Columbia. These experts rated the number and effectiveness of alcohol policies in each state, and the degree to which the policies had been implemented between 2000 and 2010.

For example, the experts evaluated state policies aimed at reducing binge drinking, such as drunk driving laws and taxes on alcohol sales, and whether the state limited the number of retail outlets that sell alcohol beverages in a given area. They also looked at whether states restricted the days and hours of alcohol sales at stores, bars and restaurants, and if they held retailers responsible for problems caused by selling alcohol to underage drinkers or visibly drunk customers.

These policy ratings, along with data on the statewide prevalence of adult binge drinking, were used to calculate an alcohol policy score in each state on a yearly basis over the 10-year study period.

## **Policies matter**

This analysis found that states with stronger policy scores had lower amounts of binge drinking.

For example, in 2008, Oklahoma, Tennessee, Alabama, Utah, Kansas and Washington had strong policies and low rates of binge drinking. Meanwhile, the states with the weakest alcohol policy environments, such as South Dakota, Wisconsin, Iowa, Colorado, Wyoming and Montana, who ranked in the bottom quarter of states, had higher binge drinking rates. In fact, their rates were one-third higher compared with the top quarter of states with the strongest policies.

The researchers looked at a single years for their comparisons, because states' policies about alcohol change slowly, Naimi said.

These findings held true even after researchers took into account other factors that could also contribute to the amount of drinking seen within a state's population, such as its residents' age, sex, race, income and religious composition.

Almost half the states' scores were lower than 50 percent of the maximum score, so there's lots of room for improvement, Naimi said.

Alcohol-related policies can play an important part in helping states reduce the health and social problems, and economic costs, of people drinking too much, Naimi said.

"This study shows that for reducing alcohol-related problems, effective policies are the solution," Naimi said. But he said that alcohol policy may not sound as exciting as a newly discovered pill or vaccine.

"Much more than clinical treatment for alcoholism and educational interventions, alcohol policies are the only thing that can move the needle across the population," Naimi said.

## after privatization, but remains low in Oregon

Harry Esteve, The Oregonian By Harry Esteve, The Oregonian

Email the author | Follow on Twitter

on August 17, 2013 at 1:00 PM, updated August 17, 2013 at 8:54 PM



*Liquor cases bulk up an aisle at a Costco in Vancouver, Wash. Theft of booze has become a law enforcement headache after voters privatized sales. In Oregon, which controls all sales, theft is almost nonexistent.*

A sudden, dramatic rise in liquor thefts in Washington could be seen as collateral damage from the state's recent move to privatization -- part of the cost of changing to a free market model.

Or, the hike in booze-stealing could be read as a cautionary tale for Oregon, where voters may get asked to end our distinction as the lone West Coast state with a government monopoly on liquor sales.

"I was reading a lot of stories about the high theft rate in Washington," said Christie Scott, spokeswoman for the **Oregon Liquor Control Commission**. "I was curious about Oregon's theft rate. I knew it was going to be low, but I was just flabbergasted at how low."

In the past year, a grand total of \$7,680 worth of booze was lost to burglaries and theft in Oregon, or 0.003 percent of the state's \$237 million stash, according to **OLCC data**. Oregon's average yearly liquor theft is \$9,206 or about one-tenth of 1 percent.

Those numbers are infinitesimal compared to what's happened in Washington since most sales moved from state-controlled liquor stores into more loosely monitored supermarkets.

"No one has a real handle on the amount of theft" because stores are no longer required to report it, said Brian Smith, who is Scott's counterpart on the **Washington State Liquor Control Board**. But anecdotes and **news reports** suggest the amount lost to theft in a single week might surpass Oregon's annual figure.

Some media outlets have reported on "flashrobs," in which groups of teens descend on a store and run off with hundreds or thousands of dollars of liquor. On Mercer Island, authorities reported a couple loaded \$2,000 in liquor into a shopping cart and pushed it out the door without paying. Walla Walla police **reported a 175 percent rise** in liquor theft complaints over the first six months since privatization took hold.

The theft rate in Washington before privatization was under 1 percent, Smith said.

It only makes sense, he and others say. State controlled liquor stores are tougher to steal from. They're smaller, so customers are easier to track. Much of the liquor is kept behind a counter. Large grocery chains that place liquor in aisles along with any other product, are relatively easy targets for thieves.

"We've heard anecdotally about five-figure losses out of individual stores," said Mitch Barker, executive director of the **Washington Association of Sheriffs and Police Chiefs**. The thefts have become a headache for law enforcement, and the association is pushing for the state to require stores to report them.

For competitive reasons, stores have been reluctant to make liquor theft information public, said Joe Gilliam, lobbyist for the **Northwest Grocery Association**. He said grocers are happy to meet with authorities to help solve the problem, but forcing them to give up trade data "is not going to fly," he said.

Oregon has begun experimenting with liquor sales in large grocery stores. **A pilot program** established two years ago allowed five markets around the state to start selling liquor inside their stores.

But that hasn't led to an increase in thefts, the OLCC's Scott said, because they operate as a separate "store within a store," much like a bank branch or jewelry department.

The worst year for liquor thefts in Oregon was 2009, when nearly \$37,000 of hooch disappeared. That number was inflated by one big case, Scott said. A Northeast Portland outlet was robbed after hours of about \$15,000 worth of liquor.

-- Harry Esteve