

THINGS TO CONSIDER

Designing and Implementing Policies to Restrict Malt Liquor Sales

Challenging the status quo is rarely easy. Before embarking on a campaign to change local alcohol policy, advocates should carefully consider what the effort will involve over the entire scope of the process. This section provides some basic considerations for alcohol policy work, based on the experiences of cities that adopted or considered adopting local policies to restrict malt liquor sales. Additional resources are listed at the end of this document.

DESIGNING THE POLICY

1. **What is the problem?** Identifying the population of concern, and understanding the nature of the problem and how it is impacting the community will help you determine the appropriate policy (*see Pros & Cons*). Consider:
 - a. Does the problem affect the entire city, or only certain neighborhoods?
 - b. Is it associated with all stores, or only certain stores? All malt liquor products or only some?
 - c. Who does the problem affect (e.g. local residents, other businesses, service organizations)?
 - d. What contributes to the problem (e.g. too many alcohol outlets, stores that sell to intoxicated persons, overconcentration of services)?
2. **What are the legal issues?** Consult a private attorney who is knowledgeable about local land use law and sympathetic to policy goals about the following:
 - a. Is the policy likely to be legally challenged? Some policies (e.g. those that completely ban a legal product in an entire city) may be more likely to be challenged than others (e.g. those that target only high-crime neighborhoods or problem stores).
 - b. How much authority does your local government have to restrict alcohol sales? (*see Local Policy Formats*) What body has the authority to make a policy change?
 - c. Are there other policies currently in effect that impact the problem or the proposed policy?
 - d. Can the policy be enforced? (See “Implementing the Policy” below.)
3. **Do you have adequate resources?** A policy change can take considerable time, money, and expertise. Are there adequate resources to design and implement a policy? If resources are lacking, how will they be identified and developed? Do the goals of the policy justify these costs (considering to what other uses the resources could be applied)?
4. **How can the policy be designed to maximize both its effectiveness and its chances for adoption?** Before drafting a policy, consider:

- a. How will a policy reduce the problem? Do you know enough about the relationship between the availability of malt liquor and the problem you seek to address?
- b. What has been tried in the past, and what was the result?
- c. Who will be impacted by the policy (e.g. racial/ethnic groups, low-income groups, youth, veterans)?
- d. Could a policy have unwanted consequences (use of other drugs, dispersal to other neighborhoods)?
- e. Will the policy be mandatory or voluntary? While voluntary policies can be useful in establishing a dialogue with retailers, or as a first step toward a mandatory policy, they may not be as effective as mandatory policies.
- f. Will the policy be permanent or will it sunset after a few years? Will the policy incorporate a trial period? While these safeguards may make the policy easier to enact, considerable effort may still be needed down the road to adopt a permanent policy.
- g. Will exceptions and exemptions be allowed? While such concessions may reduce objections from policy opponents (such as alcohol retailers) they may erode the effectiveness of the policy over time and increase the implementation burden.

5. How will the policy be implemented? A plan for how compliance will be achieved, monitored, enforced and evaluated should be developed during the policy design stage and written into the policy language. (See “Implementing the Policy” below.)

GETTING THE POLICY ADOPTED

- 1. Who will run the campaign?** Achieving a policy change requires activism and strong, persistent leadership. You will likely need to:
- a. Form a grassroots coalition to share the work -- a broad-based group of citizens who are directly affected by the problem. Initially this might include residents of the neighborhoods surrounding problem stores, area business owners who may be losing customers because of the problems, the staff of nearby schools, police, fire, EMS and public health workers, emergency room physicians, and social service providers (e.g. detox, treatment, housing). Recruit leaders and a variety of spokespeople from within the coalition who are dedicated to the cause and able to make a solid time commitment to the process. Building grassroots support is crucial for at least three reasons:
 - i. Elected officials will be more likely to endorse the policy if their constituents support it.
 - ii. Retailers may be more likely to comply with the policy if their customers support it.
 - iii. Local residents may prove helpful in monitoring retailer compliance if they are invested in the policy.

- b. Recruit “grass-tops” support: As work progresses, identify individuals in your community who have influence with members of the decision-making body (most likely the city council or Board of Supervisors) and are likely to support your campaign. Chiefs of police, school principals, public health officials, health providers, and business leaders, among others, may be important allies who can be recruited to champion the policy.

2. How will public support be built? Enlisting broad public support for the policy is crucial to getting it passed. The public can be educated in a variety of ways, e.g., hosting community forums, formal or informal polling, engaging diverse groups across the city. When making your case:

- a. Shape the message: It may help to focus on the public health benefits to the community and to present the policy as just one part of a comprehensive solution that would ideally include other policy and programmatic approaches (see *Talking Points*). Emphasize (and include in preamble language):
 - i. How the problem impacts the health and welfare of consumers and local residents,
 - ii. How the problem impacts the local economy in terms of law enforcement costs, social and medical service costs, and lost business revenue.
 - iii. The effectiveness of similar policies in other cities.
- b. Provide concrete evidence: Be prepared to prove (preferably with visual evidence) that the problem exists and that the policy will be effective in addressing it. Use photographs of the problem, citizen testimonials, public opinion surveys, and statistics on crime, detoxification holds, hospital admissions, and emergency medical services.
- c. Use the media: Media advocacy is a powerful tool for promoting a policy change. Good media coverage can raise public awareness, frame the debate, and advance your message.
- d. Anticipate opposition: Opponents may attempt to block the policy change using a variety of tactics, including legal challenges, reframing the issue (e.g. to emphasize personal freedoms for drinkers and economic hardship for retailers), mobilizing retailers to lobby decision-makers, claiming the issue needs more study, etc. Spokespersons should be prepared with talking points and counterarguments that bring the debate back to the public health message (see *Talking Points*).

3. How will decision-makers be influenced? The ultimate targets of the campaign are those who actually have the authority to enact a new policy. This is usually the city council or the local Board of Supervisors. Recruiting at least one member of the decision-making body to sponsor and champion the policy can be a huge asset for the campaign. Once the policy has been introduced by the sponsor, the coalition can be mobilized to lobby the decision-making body with phone calls, letters, personal visits, and attendance and testimony at public hearings in order to achieve a majority vote.

IMPLEMENTING THE POLICY

1. **How will stakeholders be informed?** Too often, coalitions believe that the policymaking process ends with policy adoption. This is not the case. The coalition and supporters who spearheaded the campaign need to stay engaged in order to insure that the policy is effectively implemented. Consider how the following steps will be accomplished:
 - a. Identify the agencies and personnel responsible for administration and enforcement of the policy and establish a means to communicate with them on an on-going basis so that progress can be monitored and problems can be addressed.
 - b. Inform alcohol retailers of how policy requirements impact their selling and serving practices (e.g. the date by which their existing stock of the banned product must be off store shelves, whether exemptions or exceptions will be granted, etc.).
 - c. Educate the general public about the policy's existence, compliance requirements, and enforcement methods.

2. **How will compliance be enforced?** The following should be defined *in the policy language*:
 - a. How often will stores be monitored, at a minimum (e.g. 2-4 times a year).
 - b. How will enforcement officers monitor compliance? This can be difficult with some policies, such as single sales bans, where retailers must be caught in the act of selling a split pack. Decoy purchase attempts may be necessary in this case. It may be wise to craft policies that can be enforced at the distributor level, such as bans on specific brands or large bottles (in which distributors may not deliver these products to retailers), thereby reducing the need to monitor individual stores.
 - c. What are the penalties for non-compliance, and what is the likelihood these sanctions will be applied? Enforcement staff and advocates often complain that license suspensions are difficult to monitor and that license revocations are rare. For effective deterrence, retailers must be assured that compliance will be monitored and infractions punished.
 - d. Who is ultimately responsible for monitoring and enforcing compliance? Due to scarce resources, enforcement may be a joint effort of state Alcohol Beverage Control officers and local law enforcement. Local residents may also be relied upon to monitor the compliance of retailers in their neighborhoods. While such collaboration can be beneficial, it is important to clearly delineate accountability for enforcement, and to monitor enforcement efforts to insure that compliance is being achieved.

3. **How will you evaluate the policy?** In order to sustain the policy over time (see below) you will want to be able to show that the policy works. This includes evaluating both the implementation process (e.g., is compliance being monitored?) and policy outcomes (e.g., are nuisance problems abating?) Evaluation plans and resources should be identified during the policy design stage.

SUSTAINING THE POLICY

1. **How can the policy maintain its effectiveness in a changing environment?** Once the policy has been fully implemented, conditions may arise that require continued attention. It may be helpful to identify a means of modifying the policy if it does not work in the way you thought it would, is not be as effective as originally envisioned, or has unwanted consequences. For example:
 - a. The problems may be relocated from one neighborhood to another, so the policy boundaries may need to be broadened.
 - b. Drinkers may switch to new beverages or substances, or may shoplift or more aggressively panhandle in order to purchase the more expensive products.
 - c. Retailers and/or the alcohol industry may find ways around the regulations, such as with new products or packaging.
 - d. Enforcement staff may not place the same priority on monitoring compliance as advocates would prefer, or original estimates of enforcement resources may be insufficient, so additional enforcement training or resources may be necessary.

2. **How will you maintain support for the policy in the face of shifting priorities and ongoing or emerging opposition?** Changes in social, political, economic or technological conditions may re-direct public priorities. While the original champions of the policy may turn their attention elsewhere once the policy has been adopted, opponents are likely to continue their efforts to erode support for the policy. Maintaining policies can be difficult when support dissipates and opposition is energized. As mentioned earlier, broad ownership of the policy will help sustain your efforts. In addition, you can meet these challenges by:
 - a. Building in regular reporting to governing bodies regarding compliance levels and enforcement efforts (e.g. “An annual report of enforcement efforts and compliance status will be made by the Sheriff’s Department to the Public Safety Committee during the first quarter of the fiscal year.”)
 - b. Educating new leaders, who may not know the history of the policy nor understand the rationale for policy adoption.
 - c. Using evaluation data to publicize policy successes (e.g. in media stories, reports to decision-makers, public testimony).

Additional Resources

- <http://alcoholjustice.org/>
- <http://www.no-smoke.org/goingsmokefree>
- http://www.alcoholpolicymd.com/take_action/index.htm
- <http://www.apha.org/advocacy/tips/>
- <http://www.alcoholpolicy.niaaa.nih.gov/>
- <http://www.pire.org/>
- <http://www.saprp.org/knowledgeassets/knowledge.cfm>