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| **Adoption of the city of Spokane’s Request to Update the Banned Products List in the Downtown Alcohol Impact Area**  |
| Date:  | February 8, 2012 |
| Presented by: | Jo Ann Sample, Management AnalystLicensing and Regulation Division |
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Problem or Opportunity

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| The purpose of this issue paper is to facilitate a decision by the Board regarding the city of Spokane’s request to amend the Banned Products List. This amendment adds six new product lines identified as problematic by business and law enforcement. (See Attachment A)The city is also working with Odom and King Distributing to limit these products in the Alcohol Impact Area. However, these distributors are advising the city that manufacturers or parent companies are pushing them to stock these products. Amending the banned product list to include the proposed products will assist all our partners in improving the quality of life in downtown Spokane.  |

Background

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| On May 15, 2010, at the request of the city of Spokane, the Board granted recognition of the Downtown Alcohol Impact Area. The resolution included a listing of low-cost/high alcohol content beverages that would no longer be available for sale within the geographical bounds of the alcohol impact area. Banned products are an essential aspect of the mandatory alcohol impact area recognition, having identified alcoholic beverages that contribute to problematic public safety concerns. The city has requested an expansion of their existing banned products list in accordance with current rule WAC 314-12-215(3)(e).This rule provides local authorities with the ability to ascertain the impact of certain low-price high-alcohol products. The local authority may request the addition of products; *“a local authority may also restrict a product that is significantly materially similar to products already restricted in its own alcohol impact area. A local authority must demonstrate to the board in writing, the material similarities and need for product inclusion, but the board will not require a local authority to submit extensive documented evidence. . . .”*Stakeholders and licensees impacted by this request will be notified within 10 working days following the Board decision regarding the city’s request. Licensees and other interested parties will receive notice by US Mail soliciting comment. Stakeholders will be notified via email soliciting comment. The public comment period will end **March 30, 2012**. |

Recommendations

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| Staff recommends that we proceed with the public comment period to gather input about the city’s request for expansion of the amended Banned Products list. Each of the products requested are significantly and materially the same as products already banned.  |

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| **Benefits** | **Drawbacks** |
| * There can be more consistent enforcement activities
* Distributors and retailers can more easily comply with the amended list
* Monitoring of consumer activities will be more productive
* Assist the city in maximizing available resources
 | * We may receive objections related to the negative economic impact
* Suppliers may object to their products being added to the list
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Expected Results

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| The Board’s endorsement of this request will help maximize enforcement efforts, and improve the health and safety of the community.  |

Estimated Cost and Timeframe

| Date | Activity | Current Status |
| --- | --- | --- |
| Feb 8 | Present city’s request for banned product expansion | Pending |
| March 30 | Public comment period ending | Pending |
| April 4 | Present adoption issue paper to the Board | Pending |
| April 11 | Present adoption resolution to the Board | Pending |
| April 16 | Distribute notice of Board’s action  | Pending |
| June 1 | Effective date of new banned products, if approved | Pending |

Funding Source

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| Administrative funding expense will be absorbed into current appropriation |

Stakeholder Impacts

Identify ***internal*** stakeholders and get their feedback about how they might be affected.

| **Stakeholder** | **Impacts (Political, Resource, Other)** |
| --- | --- |
| Director’s Office | Political |
| Licensing | Resources |
| Enforcement | Resources |
| Human Resources |  |
| Business Enterprise |  |
| Retail | Resource; confirm banned products are removed from retail liquor store(s) |
| Purchasing |  |
| Distribution Center |  |
| Administrative Services |  |
| Information Technology |  |
| Contracts Office |  |
| Finance |  |

Identify ***external*** stakeholders get their feedback about how they might be affected.

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| **Stakeholder** | **Fiscal and Resource Impacts** |
| Washington State Agencies | N/A |
| Prevention | Resource |
| Industry  | Resource |
| Vendors | Resource |

Acceptance

We have reviewed this document and approve resources for project definition:

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| **Approved by** | **Signature** | **Date** |
| Name Sharon Foster Title Board Chair |  |  |
| Name Ruthann KuroseTitle Board Member |  |  |
| Name Chris MarrTitle Board Member |  |  |

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New Products are Highlighted Attachment A

| **Manufacturer** | **Brand Name** | **Alcohol Content by Volume** |
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| **Colt 45\*** | **Blast (all products)\*** | **12%** |
| **Stroh Brewing Co** | **Bull Ice** | **8%** |
| **Anheuser Busch Inc** | **Busch Ice** | **5.9%** |
| **Anheuser Busch Inc** | **Cobra** | **5.9%** |
| **G Heileman Brewing** | **Colt 45 Ice** | **6.1%** |
| **G Heileman Brewing** | **Colt 45 Malt Liquor** | **6.4%** |
| **Rock Wall Brewing Co\*** | **Dog Bite\*** | **10%** |
| **Drink Four Brewing Co** | **Drink Four (all products)** | **10% - 12 %** |
| **Drink Four Brewing Co\*** | **Earthquake High Gravity Lager\*** | **12%** |
| **City Brewing Co\*** | **Earthquake High Gravity\*** | **12%** |
| **Pabst Brewing Co** | **Hamm’s Ice Brewed Ale** | **6.1%** |
| **Pabst Brewing Co** | **Hamm’s Ice Brewed Beer** | **6.1%** |
| **City Brewing Co** | **Hard Wired**  | **6.9%** |
| **Five Star Brewing Co**  | **High Gravity (all products)** | **8.1% - 9%** |
| **Anheuser Busch Inc** | **Hurricane (all products)** | **5.9% - 12%** |
| **Plank Road Brewery** | **Ice House** | **5.5%** |
| **United Brands Co** | **Joose (all products)** | **9.9%** |
| **MillerCoors** | **Keystone Ice** | **5.9%** |
| **Anheuser Busch Inc** | **King Cobra** | **5.9%** |
| **Pabst Brewing** | **Lucky Ice Ale Premium** | **6.1%** |
| **Pabst Brewing** | **Lucky Ice Beer** | **6.1%** |
| **MillerCoors** | **Magnum Malt Liquor** | **5.9%** |
| **Mark Anthony Brands** | **Mike’s Harder Lemonade** | **8%** |
| **MillerCoors** | **Mickey’s (all products)** | **5.6% - 5.8%** |
| **MillerCoors** | **Milwaukee Best Ice** | **5.9%** |
| **MillerCoors** | **Milwaukee Best Premium Ice** | **5.9%** |
| **Anheuser Busch Inc\*** | **Natty Daddy\*** | **8%** |
| **Anheuser Busch Inc** | **Natural Ice** | **5.9%** |
| **Joseph Schlitz Brewing**  | **Old Milwaukee Ice** | **5.9%** |
| **MillerCoors** | **Olde English 800****(all products)** | **7.5% - 8%** |
| **Pabst Brewing Co** | **Olympia Ice** | **6.1%** |
| **Pabst Brewing Co** | **Pabst Ice Ale** | **5.9%** |
| **Pabst Brewing Co** | **Rainier Ice** | **5.9%** |
| **Stroh Brewing Co** | **Red Bull Malt Liquor** | **7%** |
| **Diageo-Guinness USA** | **Smirnoff XBT** | **8%** |
| **Pabst Brewing Co** | **Schlitz Malt Liquor** | **5.9%** |
| **Pabst Brewing Co** | **Schlitz High Gravity** | **8.5%** |
| **Steel Brewing Co** | **Sparks** | **6% - 8%** |
| **MillerCoors** | **Special 800 Reserve****(all flavors)** | **6%** |
| **Saint Ides Brewing**  | **St. Ide’s Liquor and Special Brews (all flavors)** | **6% - 7.3%** |
| **United Brands Co\*** | **Stack High Gravity Lager\*** | **12%** |
| **MillerCoors** | **Steel Reserve (all products)** | **5.5% - 8%** |
| **Anheuser-Busch Inc** | **Tilt** | **6.6% - 8%** |
| **Vampt Beverage Corp\*** | **Vampt Smooth Talker\*** | **8%** |
| **Vampt Beverage Corp\*** | **Vampt Midnight Warrior\*** | **8%** |