

Prohibiting Pricing and Marketing of Alcoholic Beverages

Position

The City supports an amendment to Chapter 562 FSS to curtail binge drinking. The legislature is asked to include language in Chapter 562 of the State Statutes which prohibits the promotion, pricing and marketing of alcoholic beverages in ways which tend to encourage excessive and/or uncontrollable consumption of liquor resulting in increased risk to consumers and the general public, or authorize municipalities to regulate the marketing and advertising of drink specials in all establishments that serve alcoholic beverages.

Key Points

1. The University of Florida's Community Alcohol Committee approached the City to support legislation that would regulate irresponsible drink specials. Currently, municipalities have no legal control over advertising or marketing of alcoholic beverages.
2. This legislation would prohibit games or contests on the licensed premises that involve drinking alcoholic beverages or the awarding of alcoholic beverages as prizes. A licensee or agent or employee would be prohibited from advertising or promoting in any way, either on or off the premises, a practice that is prohibited as above.
3. A municipality or county would only be authorized to regulate the promotion, pricing and marketing of drink specials of a licensed alcoholic beverage establishment if there are two or more convictions for violations of Chapter 562, F.S. within a six month period.

Beer Keg Registration

Position

The City of Gainesville supports an amendment to Chapter 563, Florida Statutes, to require the registration of kegs containing malt beverages for consumption off licensed premises.

Key Points

1. The University of Florida Enforcement Subcommittee Community Alcohol Coalition recommends that retail dealers selling kegs require each keg purchaser to present proper photo identification at the time of purchase. The licensee would also record for each keg sale, the date of sale, the size of keg, the keg identification number and other pertinent information including automobile tag information.
2. Several states have laws that require keg registration, including California, Georgia, New York and Oregon.
3. Under Florida law, local governments do not have the authority to adopt ordinances to require keg registration.
4. Under Florida law, the division of alcoholic beverages and tobacco has generalized authority over alcohol, and the division takes the position that they do not have the legal authority to require keg registration.
5. Keg registration is not intended to penalize the beer industry or retailers. Keg registration would enable the state and local police agencies to hold adults, who purchase kegs under their name, responsible for those to whom alcohol is offered, including underage people. This policy does not target wholesalers or retailers. By supporting keg registration, the industry becomes part of the solution to the underage drinking problem.