

The Extra Mile

Advocating for evidence-based policies and practices
to prevent and reduce alcohol-related harms

Going the Distance: Nebraska is Poised to License Charter Bus Services Under the Liquor Control Act

Numerous problems with unregulated party bus operations led to bill

The Nebraska Legislature is on track to pass a bill to address public safety concerns related to party buses, which allow alcohol to be consumed on board. If adopted, LB 734 will require party buses to be licensed under the Liquor Control Act.



Senator Megan Hunt of Omaha introduced LB 734 in 2019 at the request of the Nebraska Liquor Control Commission. In 2014, a vehicle hit and killed a [Nebraska Wesleyan student](#) after he got off a party bus and walked along Interstate 80. That same year, passengers on the Blackout Express Party Bus sought medical attention for a [19-year-old student](#) who was hospitalized due to excessive alcohol consumption.

Both underage drinking and excessive drinking were foreseeable consequences of the 2011 statutory change that eased restrictions on open containers in certain vehicles on Nebraska roadways. In 2019, Project Extra Mile asked the General Affairs Committee to consider an amendment to prohibit those under the age of 21 from boarding the buses when alcohol is on board. Doing so would drastically reduce minors' ability to access alcohol in an environment that until now has been relatively risk free. Unfortunately, no such amendment was introduced.

Nevertheless, we appreciate Senator Hunt's and the Commission's leadership on this issue to ensure that law enforcement can do its job effectively in these situations. Party buses have operated as bottle clubs on wheels with no regulatory oversight with regard to alcohol. LB 734 is an essential first step to preventing future tragedies in environments that have encouraged underage drinking and excessive alcohol use. The new provisions will also provide law enforcement better access to the buses and will allow companies to be held accountable when alcohol-related injuries and deaths occur. The current proposal was placed on Select File on January 24.

Other legislative proposals that impact the Liquor Control Act have been introduced this session and include:

- **LB 1056:** Allows a retail, bottle club, craft brewery, micro distillery, and farm winery licensee to apply for a temporary expansion of premises for no more than fifteen days per calendar year
- **LB 1090:** Authorizes local governing bodies to suspend liquor licenses for nonpayment of taxes, fees, or special assessments if they have not paid for at least 90 days
- **LB 1163:** Allows transportation and temporary off-site storage of alcoholic liquor for customer pickup

None of the tax bills introduced this session include provisions related to alcohol. To review a [list of all legislation](#) currently being monitored by Project Extra Mile, please visit our [website](#). The 2020 short session calendar is set for final adjournment on April 23.

Miles to Go: NP Mart Penalty Sends the Wrong Message

50% penalty discount hard to understand given recent underage drinking deaths

Since 1997, Project Extra Mile has collaborated with law enforcement agencies to support compliance checks. Enforcement is the cornerstone of community efforts to prevent alcohol-related harms, and [research](#) has shown that consistent compliance checks of establishments that sell alcohol decrease sales to underage youth. This same study also indicates that penalizing licensees following sales to minors is a crucial element of maintaining a deterrent effect following compliance checks.

After the third sale to a minor at NP Mart in Omaha within the last two years, the business applied for a new liquor license to the city. Local community members urged the Omaha City Council to recommend denial of the new license and noted that the application appeared to be an attempt by the business to avoid responsibility for breaking the law. A new liquor license fee is \$400. The city sent a unanimous recommendation to deny the new liquor license application to the Nebraska Liquor Control Commission. Subsequently, the business withdrew the application.

In early January, the business appeared before the Liquor Control Commission. In this case, the [penalty guidelines](#) the LCC uses in order to minimize discrepancies in penalties recommended 12 days of mandatory closure (no alcohol sales allowed) and 40 days of suspension. The licensee may pay a \$4,000 fine in lieu of 40 days of suspension. After hearing from the owner and his attorney, the Commission chose to cut the penalty in half for no apparent reason.

Over the years, Project Extra Mile has observed a variety of similar cases where businesses with repeated violations often receive the minimum and sometimes more lenient penalties than the Liquor Control Commission's guidelines recommend, including cases where minors have died after an alcohol purchase was made at the business. Revocations for liquor licenses in Nebraska are also extremely rare. Until the state does everything in its power to keep alcohol out of the hands of minors, more tragedies associated with underage drinking will inevitably follow. Giving problem businesses a break will not encourage voluntary compliance; rather, it sends a strong message to all retailers that alcohol sales to minors aren't serious offenses.

Renewed Action on Binge Drinking Needed in U.S.

Weakened alcohol policy environments contribute to troubling trends

The Centers for Disease Control and Prevention (CDC) recently analyzed Behavioral Risk Factor Surveillance System (BRFSS) [data](#) from 2011-2017 to identify trends in total annual binge drinks per adult (aged ≥ 18 years) who reported binge drinking in the United States. The age-adjusted total number of binge drinks consumed annually increased by 12% from 472 to 529 drinks. In Nebraska, the number of drinks increased from 460 to 477 during the same time.

Binge drinking, or 4-5 drinks during an occasion, is the most common form of alcohol misuse. Study authors noted that their results are consistent with other research showing increases in excessive alcohol use, particularly among middle-aged and older adults. The results of this study are also in line with an increase in per capita alcohol consumption taken from U.S. sales and shipment data, from 2.29 gallons in 2011 to 2.34 gallons in 2017.

The [Community Preventive Services Task Force](#) recommends several evidence-based strategies to address excessive alcohol use, which include increasing alcohol taxes, regulating the number and concentration of alcohol outlets in communities, and enforcing minimum legal drinking age laws. Several [interventions](#) have been identified by the Task Force to improve the health of communities by preventing both binge drinking and heavy drinking. To learn more about alcohol-related policies impacting Nebraska, visit the [Alcohol Policy Information System](#).



"Binge drinking is also strongly affected by the social context within which persons make their drinking decisions . . . persons living in states with more restrictive alcohol policies are also less likely to binge drink and experience alcohol-attributable harms, including motor vehicle crash deaths, alcoholic liver cirrhosis, and alcohol-involved homicides and suicides than are persons living in states with less restrictive alcohol policies." - Kanny et al., 2020

Deaths from Alcohol Double Over Last Two Decades

Significant rise in alcohol harms among women

A study published in *Alcoholism: Clinical and Experimental Research* in January found that alcohol-related deaths in the United States are increasing at an alarming rate, and unfortunately, deaths are only the tip of the iceberg. Researchers at the [National Institute on Alcohol Abuse and Alcoholism](#) (NIAAA) reported that nearly one million people died from alcohol-related causes between 1999 and 2017.

The number of death certificates indicating alcohol as a factor more than doubled from 35,914 in 1999 to 72,558 in 2017, meaning that alcohol was involved in 2.6% of all deaths in the U.S. in 2017, up from 1.5 percent in 1999. Authors noted that the increase in alcohol-related deaths is in line with research showing increases in alcohol consumption, as well as alcohol-involved emergency department visits and hospitalizations during the same period.

The study examined death certificates only; therefore, the actual number of alcohol-related deaths in 2017 may exceed the reported number. Research has shown that alcohol-related deaths are often underreported. A [study](#) by the Centers for Disease Control and Prevention (CDC) found that excessive alcohol use is responsible for about 88,000 deaths a year in the U.S., including 1 in 10 total deaths among adults aged 20 to 64 years.

Alcohol-related deaths are increasing among people in almost all age, racial, and ethnic groups, but rates increased more for women (85%) than men (35%) during this particular study period. Women are increasingly targeted through alcohol marketing schemes, which include [pinkwashing](#) and normalizing terms like "[MommyJuice](#)."

"The study speaks to a problem in American public health and drug policy: While crises like the opioid epidemic (deservedly) get a lot of attention, even deadlier drug crises are often neglected by the public, policymakers, and media," noted German Lopez of [Vox](#). To learn more about the study, the [findings](#) are available online.

Omaha Metro Coalition Meeting

Wednesday, February 12, 2020

9:00 a.m.

Please join us for Coffee and Conversation as we welcome

**Col. Michael Rapich,
to discuss enforcing
Utah's 0.05 BAC law.**



Thank you for your involvement!

Jennifer Pollock

Jennifer Pollock, Coalition Chair

MEETING LOCATION:

National Safety Council
11620 M Circle, Omaha NE
Upper Level Boardroom

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